

HOUSE OF REPRESENTATIVES—Thursday, October 29, 1981

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,

October 28, 1981.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Thursday, October 29, 1981.

THOMAS P. O'NEILL, Jr.,

Speaker of the
House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We turn to You, O God, with the petitions of our own hearts, imploring Your spirit to grant us Your benediction and Your love. Each of us has expectations and needs and even as we pray for the concerns of our Nation and the world, we ask Your presence and power in our personal lives. We pray that You will grant healing when there is hurt, that You will give peace where there is anxiety, that You will give faith where there is doubt, and always give courage to do what is right and just. We pray this in Your holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 346, nays 12, not voting 75, as follows:

[Roll No. 286]

YEAS—346

Addabbo	Downey	Hughes
Akaka	Dreier	Hunter
Albosta	Duncan	Hutto
Anderson	Dunn	Hyde
Archer	Dwyer	Jeffords
Ashbrook	Dymally	Jeffries
Atkinson	Dyson	Jenkins
AuCoin	Early	Johnston
Badham	Eckart	Jones (OK)
Bafalis	Edwards (AL)	Jones (TN)
Bailey (MO)	Edwards (CA)	Kastenmeier
Bailey (PA)	Edwards (OK)	Kazen
Barnes	Emerson	Kildee
Beard	Emery	Kogovsek
Bedell	English	Kramer
Benedict	Erdahl	Lagomarsino
Benjamin	Erlenborn	Lantos
Bennett	Ertel	Latta
Bereuter	Evans (DE)	Leach
Bethune	Evans (GA)	Leath
Bevill	Evans (IN)	Lee
Blaggi	Fary	Lehman
Bingham	Fasell	Leland
Blanchard	Fenwick	Lent
Billey	Ferraro	Levitass
Boland	Fiedler	Livingston
Boner	Fields	Loeffler
Bonior	Findley	Long (LA)
Bonker	Fish	Long (MD)
Bouquard	Fithian	Lott
Bowen	Flippo	Lowery (CA)
Brinkley	Foglietta	Lowry (WA)
Brodhead	Foley	Lujan
Brooks	Ford (MI)	Lundine
Broomfield	Ford (TN)	Lungren
Brown (CO)	Frenzel	Madigan
Brown (OH)	Frost	Markey
Broyhill	Fuqua	Marks
Burgener	Gaydos	Marlenee
Burton, John	Gephardt	Marriott
Burton, Phillip	Gibbons	Martin (IL)
Butler	Gingrich	Martin (NC)
Campbell	Glickman	Matsui
Carman	Gonzalez	Mattox
Chappell	Gore	Mazzoli
Chapple	Gradison	McClory
Cheney	Gramm	McCurdy
Clausen	Gray	McDade
Clinger	Green	McEwen
Coats	Gregg	McGrath
Coleman	Grisham	McHugh
Collins (IL)	Guarini	Mica
Collins (TX)	Gunderson	Michel
Conable	Hall (OH)	Mikulski
Conte	Hall, Sam	Miller (CA)
Conyers	Hamilton	Miller (OH)
Coughlin	Hammerschmidt	Mineta
Courter	Hance	Minish
Craig	Hansen (ID)	Mitchell (NY)
Crane, Daniel	Hansen (UT)	Moakley
Crockett	Hartnett	Mollinari
D'Amours	Hatcher	Mollohan
Daniel, Dan	Hawkins	Montgomery
Daniel, R. W.	Hefner	Moore
Dannemeyer	Hendon	Moorhead
Daschle	Hertel	Morrison
Daub	Hightower	Mottl
Davis	Hiler	Murphy
de la Garza	Hillis	Murtha
DeNardis	Holland	Myers
Derrick	Hollenbeck	Napier
Derwinski	Holt	Natcher
Dickinson	Hopkins	Nelligan
Dicks	Horton	Nelson
Dixon	Howard	Nichols
Donnelly	Hoyer	Nowak
Dorgan	Hubbard	O'Brien
Dornan	Huckaby	Oakar

Oberstar	Roybal	Tauke
Obey	Rudd	Tauzin
Oxley	Russo	Taylor
Panetta	Sawyer	Thomas
Parris	Scheuer	Traxler
Pashayan	Schneider	Trible
Patman	Schulze	Udall
Patterson	Schumer	Vander Jagt
Paul	Seiberling	Vento
Pease	Sensenbrenner	Volkmer
Perkins	Shamansky	Walgren
Petri	Shannon	Wampler
Peyser	Sharp	Watkins
Pickle	Shaw	Weaver
Porter	Shelby	Weber (OH)
Price	Shumway	Weiss
Pritchard	Shuster	Whitehurst
Pursell	Siljander	Whitley
Quillen	Simon	Whittaker
Rallsback	Skelton	Whitten
Rangel	Smith (AL)	Williams (MT)
Ratchford	Smith (IA)	Williams (OH)
Regula	Smith (NE)	Winn
Reuss	Smith (NJ)	Wirth
Rhodes	Smith (OR)	Wolf
Richmond	Smith (PA)	Wolpe
Rinaldo	Snowe	Wortley
Ritter	Snyder	Wright
Roberts (SD)	Solarz	Wyden
Robinson	Spence	Wylie
Rodino	St Germain	Yates
Roe	Stanton	Yatron
Roemer	Staton	Young (FL)
Rogers	Stratton	Young (MO)
Rostenkowski	Studds	Zablocki
Roth	Stump	Zeferetti
Roukema	Swift	
Rousselot	Synar	

NAYS—12

Evans (IA)	Harkin	Schroeder
Forsythe	Heckler	Solomon
Geddenson	Jacobs	Walker
Goodling	Sabo	Weber (MN)

NOT VOTING—75

Alexander	Dougherty	McCloskey
Andrews	Dowdy	McCollum
Annuzio	Edgar	McDonald
Anthony	Fazio	McKinney
Applegate	Florio	Mitchell (MD)
Aspin	Fountain	Moffett
Barnard	Fowler	Neal
Beilenson	Frank	Ottlinger
Boggs	Garcia	Pepper
Bolling	Gilman	Rahall
Breaux	Ginn	Roberts (KS)
Brown (CA)	Goldwater	Rose
Byron	Hagedorn	Rosenthal
Carney	Hall, Ralph	Santini
Chisholm	Heftel	Savage
Clay	Ireland	Skeen
Coelho	Jones (NC)	Stangeland
Corcoran	Kemp	Stark
Coyne, James	Kindness	Stenholm
Coyne, William	LaFalce	Stokes
Crane, Phillip	LeBoutillier	Washington
Danielson	Lewis	Waxman
Deckard	Luken	White
Dellums	Martin (NY)	Wilson
Dingell	Mavroules	Young (AK)

□ 1015

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

following titles, in which the concurrence of the House is requested:

S. 167. An act for the relief of Juan Esteban Ramirez;

S. 174. An act for the relief of Friedrich Walter Prey;

S. 175. An act for the relief of Puangpaka Vertrees and Puangtip Vertrees;

S. 191. An act for the relief of Tessie and Enrique Marfori;

S. 215. An act for the relief of Lourie Ann Elder;

S. 220. An act for the relief of Yung Ja Byun, and her children Hye Ja Byun, Hye Sun Byun, Hye Ryung Byun, and Yung Eun Byun;

S. 235. An act for the relief of Hyong Cha Kim Kay;

S. 236. An act for the relief of Peter Chi Hung Kwok, doctor of medicine, and Ping Chi Chau Kwok, husband and wife;

S. 244. An act for the relief of Dr. Joselito Sison Almario, and his wife, Leticia Almario;

S. 266. An act to foster greater coordination and sharing of healthcare resources between the Veterans' Administration and the Department of Defense, and to amend title 38, United States Code, to authorize appropriate coordination and sharing of such health-care resources; and for other purposes;

S. 278. An act for the relief of Hun Sik Sanderson;

S. 280. An act for the relief of Yaeko Howell;

S. 340. An act for the relief of Doctor Herman Sardjono and his wife, Erlanda Sardjono;

S. 367. An act for the relief of Kaun Sheng Fong, also known as Pete K. S. Fong; and Shyr Yuh-Yu Fong, also known as Nancy Fong, his wife; and Sylvia Shueh-Wei Fong, his daughter;

S. 555. An act for the relief of Michael Whitlock;

S. 593. An act for the relief of Rosita N. Pacto;

S. 1093. An act for the relief of Sandra Reyes Pellecer; and

S. 1144. An act for the relief of Maxine Ann Fricioni.

TECHNOLOGY GIVEAWAY

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, there is an offshoot of the AWACS controversy that goes far beyond the question of upsetting the balance of power in the Mideast, important a question as that might be. The issue that has been almost forgotten throughout the debate is the continuing giveaway of U.S. technology by the administration. What is happening is that our country develops at horrendous cost, weapons systems required to enhance our national security and as quickly as they become functional, we begin offering them for sale to other nations.

It is well and good that we sell these sophisticated weapons systems to friendly nations. What we have no assurance of is whether or not those nations can keep those weapons systems secure from groups not friendly to our interests.

The question of security of the AWACS planes within Saudi Arabia has been debated long and hard these last few months and I will not go into that again at this point, although the final word on that subject has yet to be spoken.

There are worse instances. Very quietly at this moment, the Navy is considering a plan to provide Spain with antisubmarine weaponry so new and technologically advanced that it has not yet even been installed on American ships. This system, which cost a fortune to develop, gives the United States a distinct advantage over Russian submarines. To provide it to the Spanish Government where we have no control over security of this vital system, would be to my mind a distinct breach of American security. Yet, as I say, it is under active consideration right now by the Navy.

I think, Mr. Speaker, that it is time that we consider just what the consequences of our actions are when we make promises to share secret and sensitive military hardware with foreign nations. I am today writing the Secretary of the Navy on this matter. I would urge all Members to add their voice to this matter before it is too late.

THE STATISTICS OF REAGANOMICS ARE GRIM

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the economic program President Reagan borrowed from the Coolidge era is failing its first test and the American people are being hurt. No matter how much Republicans spend on their "Leadership That Works for a Change" ad campaign—the American public will not be fooled. They know that unemployment and inflation are rising. They know a recession will not be cured by subsidizing the rich and slashing domestic programs.

The statistics of Reaganomics are grim. Unemployment jumped from 7 percent in July to 7.5 percent in September and will surely rise above 8 percent. Housing starts in September were at the lowest level in more than 5 years. Industrial production declined 0.8 percent in September, the largest drop in 16 months. The year 1981 may have the greatest small business failure rate since 1932, September's CPI reveals we again have double-digit inflation in the midst of a serious recession.

Translating these statistics into human terms, mandates Congress to oppose additional budget cuts. Reaganomics is discredited. We must prevent the Reagan recession from lining our streets this winter with millions of unemployed men and women.

HOUSE SHOULD REJECT SENATE VERSION OF H.R. 4331, NO. 1

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, on October 15, the Senate passed a rewritten version of H.R. 4331, the House-passed bill to restore the minimum social security benefit. On October 16, the Washington Post ran front-page headlines proclaiming: "Senate Votes 95-0 to Retain Minimum Social Security Benefit."

The Post was wrong. The Senate has not restored the minimum benefit, except on a limited basis. The Senate bill eliminates the minimum benefit for all recipients who become eligible for the minimum benefit after November 1. It also establishes the first means test in the history of the social security system in order for the Social Security Administration to deny current recipients of those benefits for which they are, by law, eligible. Under the Senate established means test, current retirees receiving the minimum benefit will have their benefits reduced if they receive a Federal, State, or local pension as low as \$3,601 per year—an amount below the Federal poverty line.

Never before under the Social Security Act have a group of workers who have fulfilled the statutory requirements for coverage with payroll contributions been retroactively denied their promised benefits. I think it is up to the House now to reverse this Senate action and maintain this important precedent.

More than the minimum benefit is at stake on H.R. 4331. Stripping social security benefits from Americans who are already guaranteed those benefits by law, or who plan to retire soon based on that guarantee, legitimately raises the fear among millions of others that their benefits will also be subject to the politics of balancing the budget on the backs of social security beneficiaries. This violates the very foundation of the social security system—its nature as a social compact between generations of Americans.

It is vital that we in the House show the American people that we are serious about protecting the social security system. We must uphold the position we took in passing the House version of H.R. 4331.

CONGRATULATIONS TO LOS ANGELES DODGERS

(Mr. ROYBAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYBAL. Mr. Speaker, it is with great pleasure that I stand before this House to congratulate my home

team, the Los Angeles Dodgers, for a brilliant comeback effort to win the World Series.

After the first two games in New York, things were looking bleak for my Dodgers, but the three superb games in Los Angeles which I had to the pleasure to attend turned the tide. In those games, the Dodgers showed the kind of determination that only a true world champion will possess. With great pitching, defense, and batting, the Dodgers were able to come from a two-game deficit and take four games in a row from the sputtering Yankees.

I do feel a bit of sorrow this morning for my colleagues from the New York area. It is tough to watch your team start so well, only to falter and become one of the few teams in history to lose four straight after winning the first two in a World Series. I know how it feels, the Dodgers did it in 1978. But this year has been the Dodgers' revenge as they reversed the tables on the Yanks, and took their first championship since 1965.

The series was filled with many tense moments and brilliant plays. Ron Cey's amazing catch at third, only to be hit later with a ball traveling 95 miles per hour; Fernando Valenzuela's gutsy performance in game three; the back-to-back homers by Pedro Guerrero and Steve Yeager in game five; and the countless more catches, hits, and plays that showed the brilliance of the Dodgers.

I congratulate the Dodgers on brilliant playing, Tommy Lasorda on brilliant managing, and Los Angeles for having brilliant fans; 1981 was just our year.

NO BALANCED BUDGET IN 1984

(Mr. KOGOVSEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOGOVSEK. Mr. Speaker, several months ago, the administration admitted that its hopes of a balanced budget for 1982, or even 1983, were gone. At that time, a reaffirmed pledge of balancing the budget by 1984 was issued and that promise has been repeated over and over while we are being asked to cut more from federal programs, many of which have been severely slashed already. But yesterday, David Stockman was quoted as saying the balance objective as symbolized by closing the deficit to zero by 1984 is now seriously behind schedule for a hundred little reasons and no one's particular fault. In other words, no balanced budget in 1984. Instead, Stockman said, the new objective is to bring "the revenue path and the spending path under an expanding economy into balance out there in the 1984 range." Had we not passed a premature and excessive tax cut—parts of

which gave away billions to big oil and big business—we might not have to alter our balanced budget objective. We might not have to be considering new revenue enhancements which many economists say are unwise during the recession we are now experiencing. We would not be faced with continuing high interest rates and further slashing of Federal programs. And we would not be counting on Stockman's expanded economy to balance the budget "out there in the 1984 range." We could have done it sooner if spending cuts and tax cuts had been following the same path last summer.

JEFFERSON'S LETTER

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, one of the major tasks of Members of Congress and our staffs is answering constituent mail. It is not a new task. I want to share with my colleagues a portion of a letter which Thomas Jefferson sent to John Adams 160 years ago:

I do not know how far you may suffer, as I do, under the persecution of letters, of which every mail brings a fresh load. They are letters of inquiry, for the most part, always of good will, sometimes from friends whom I esteem, but much oftener from persons whose names are unknown to me, but written kindly and civilly, and to which, therefore, civility requires answers * * * I happened to turn to my letter-list some time ago, and a curiosity was excited to count those received in a single year. It was the year before the last (1820). I found the number to be one thousand two hundred and sixty-seven, many of them requiring answer or elaborate research, and all to be answered with due attention and consideration. Take an average of this number for a week or a day, and I will repeat the question * * * Is this life? At best it is but the life of a millhorse, who sees no end to his circle but in death. To such a life, that of a cabbage is paradise.

THAT IS NOT WHAT I MEANT AT ALL

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, having worked in the tax field for nearly 10 years, it has been interesting to me to see that about 3 months after Congress passed the largest tax cut in American history, we now hear people in the administration talking about revenue enhancement, that, of course, is really a euphemism for a tax increase.

I just want to point out a couple of simple facts about our economic situation.

One, we have just passed the deepest tax cut in American history, and

Two, we are embarked on the largest military buildup in American history, with any kind of emotional arithmetic you want to use, that combination does not add up to a balanced budget.

We also have a serious mismatch in monetary and fiscal policy. We have high interest rates, and that means retarded economic growth. Retarded economic growth means unemployment. Unemployment means less revenue to the Government. That means higher deficits, which translates into higher interest rates. It is an economic quagmire that just cannot work.

The architects of these policies are going to leave us with the hollow apology of T. S. Eliot, who said, "That is not what I meant at all."

I think it is time for us to get on with the building of a sound and reasonable economic program for this country's future.

SECRETARY OF AGRICULTURE CAUSES WHAT HE COMPLAINS ABOUT

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Speaker, we all realize that as a nation and individually we have serious financial problems; we are trying to do something about that.

Fortunately, we do have a rich country in real resources primarily because beginning in the early 1930's we set up the soil conservation programs, which include the Soil Conservation Service, the ACP and reforestation programs.

In 1949 I am proud to have helped initiate the national flood prevention and watershed programs. In 1959 I offered the successful motion to override President Eisenhower's veto of the public works appropriation bill, thereby saving 63 new project starts including the Memphis Harbor program, and the Pascagoula Harbor project, among others.

Mr. Speaker, 27 times out of 27 our committee, supported by the Congress, has overridden the Office of Management and Budget to save the soil conservation programs. Under these cost-share programs, the landowner pays about two-thirds of the cost and the Federal Government pays about one-third.

As a result of these programs, we have constructed 2.5 million water impoundment reservoirs; constructed almost 37 million acres of terraces, and planted over 8 billion trees.

Mr. Speaker, I point these facts out, because today's Washington Post carries a prominent article quoting the Agriculture Secretary John Block as saying that soil erosion in the United States has reached crisis proportions.

He is quoted as saying that erosion is reducing productivity in 1 of every 4

acres now being farmed; that between 50 and 75 million metric tons of annual grain production—half of 1980 exports—would be forfeited; and that erosion on rangeland would cut forage production and reduce meat production by 800 million pounds annually.

Mr. Speaker, while saying this, the Secretary has withdrawn \$11 million for watershed and flood prevention programs. He has cut the Agriculture conservation program budget request from \$190 million down to \$132 million. He has substantially reduced the number of soil technicians and soil scientists and greatly reduced the program, where landowners pay about two-thirds of the cost.

Mr. Speaker, the world's archeological sites are littered with the remains of civilizations that failed to protect their topsoil—we must not permit the Secretary or the Office of Management and Budget to cause that to happen here.

Mr. Speaker, future generations might solve their financial problems but with a wornout land, they would have nothing on which to build.

SOME 1,100,000 AMERICANS CALL FOR REMOVAL OF SECRETARY WATT

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, on October 19, I joined with Speaker O'NEILL and other colleagues on the House steps to receive petitions signed by more than a million Americans imploring the Congress to seek the dismissal of Secretary of the Interior James Watt.

In accordance with the rules of the House, I now rise to inform my colleagues that today, on request of the petitioners, I have transmitted a sample of these petitions to the Clerk of the House, gladly making their conveyance to the Congress official.

These petitions clearly demonstrate the alarm many Americans have over the policies of Mr. Watt.

It is one thing to have an honest disagreement with the position of a Cabinet official on a particular issue. The American people will even overlook a certain degree of insensitivity on an issue or two. But the American people will not stand for contempt of our natural heritage and our natural resources.

The people understand that the policies of Secretary Watt are a repudiation of the principle of stewardship of our natural resources.

They understand that Secretary Watt's policies are contrary to the best interests of this country. And that is why 1,100,000 Americans have taken the positive step of petitioning the Congress to bring this administration to its senses.

THE YEAR OF THE VETERAN

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, we in the House Veterans' Affairs Committee feel that this year has been the year of the veteran. The reason I say that is because of the legislation passed, and we have been within the budget limitations.

My colleague and ranking minority member in the House Veterans' Committee, Congressman JOHN PAUL HAMMERSCHMIDT, and myself, are mailing each Member of the House of Representatives a three-page letter of accomplishments, and we are mailing these accomplishments to each Members' office tomorrow here in Washington. We think that if Members have accepted November 11 Veterans' Day speeches, this information will be most helpful on what the Congress has done this year for the veteran.

Also, we would recommend that this information be used in newsletters.

CALL FOR BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, high interest rates fostered by this administration, the Treasury Secretary, and the Chairman of the Federal Reserve, are playing havoc with this Nation's economy. This administration is doing nothing about lowering interest rates and keeping them down except putting this country in a recession, which will mean more people out of work, lead to a larger budget deficit, the largest in the history of this country in the first full administration year.

Mr. Speaker, there is no hope for a balanced budget from this administration. They give lip service to it, but they do nothing to bring it about. This administration wants high interest rates to continue. It is the same policy pursued earlier in this century, with disastrous results.

Mr. Speaker, I call upon Members of this House to join me in supporting the constitutional amendment for a balanced budget. It is the only way we will ever get it.

REAGAN ADMINISTRATION'S NEONW FEDERALISM MEANS HIGHER LOCAL TAXES AND THE END OF THE KEMP-ROTH TAX CUT

(Mr. LEVITAS asked for and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, last week I addressed the House on the

brand of new federalism which the Reagan administration is advocating, which I call neonw federalism. I cited Secretary Watts' testimony before our Government Operations Subcommittee as the spokesman for the administration, when he said that their new federalism means raising the local property taxes.

Well, just the very next day there was shocking confirmation of this, and I say to my Republican colleagues that I would be worried about what I read in the Wall Street Journal on October 23 where Under Secretary of the Treasury, Norman Ture said that he urges the States to raise local taxes even if that would subvert the intention of President Reagan's economic recovery program. He said that the resource for the raising of taxes by the local and State governments was the tax cut that we voted earlier this year—and which, incidentally, I supported.

I thought the tax cut was to reduce the tax burden on people. I thought it was to stimulate the economy, but now the administration tells me that it is to be used by State and local governments to raise my taxes and my constituents' taxes again. If that is true, I think it is a deception. I think the American people are going to be outraged, and I suggest that we put a stop to it. Remember the people who pay Federal taxes are the same people who pay local taxes.

Members will remember that we heard the slogan last year, "The Republicans are coming."

Well, they are coming to raise your local taxes.

The SPEAKER pro tempore (Mr. OBERSTAR). The time of the gentleman from Georgia has expired.

SOCIAL SECURITY TRUST FUNDS COULD GO BROKE BY 1984

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, the social security actuaries in a written report this week have warned the Congress that the medicare trust funds, based on the Senate's bill and based on the increased hospital costs this past year, will not have sufficient reserves in the medicare trust fund to pay benefits sometime in late 1983 or at the beginning of 1984. Even with interfund borrowing, if we continue to have the lack of economic growth we have had the past 4 years, all three trust funds could go broke by late 1983 or 1984.

Since this report has been released, hardly a line has appeared in the newspapers about this pending catastrophe, and hardly an eyebrow has been raised in the Congress. This

report by the actuaries is one of the most ominous warnings this House has received on a subject so vital. It is my fervent hope that there is still time to do something about this matter this year, and to do it on a bipartisan basis. But time is running out on us. The House leadership has specifically recommended that no action be taken by my subcommittee until the Senate acts. That is unfortunate.

So, it appears to me that we must hope that the President of the United States will give us leadership in this area so vital to the well-being of our elderly, as well as every family in America. Now that the AWACS issue has been settled, and the President has won, I would hope that he would give the Congress his full support to find an immediate solution to the impasse in the social security field. The problem this country faces in social security is far more important than any other we face or have faced.

If the President can turn the Senate around on an AWACS issue, surely he might give us the same leadership on the social security issue. Admittedly, this is a question that must have the leadership of both the Congress and the President, and I hope and pray that together we might take action this year in some meaningful way so that our elderly citizens will not continually have the daylights scared out of them because of our lack of commitment.

MOTION TO INSTRUCT CONFEREES ON DEFENSE AUTHORIZATION OPPOSED

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, we have been advised that the first item of business, when these very elucidating 1-minute speeches have been concluded, will be a proposal by the gentlewoman from Colorado to instruct the conferees on the Defense authorization bill to accept an amendment by the distinguished Senator from Georgia, Senator NUNN.

Senator NUNN is a very able individual and a good friend of mine. But like most of us, he is not perfect. The amendment he has offered is a good move in the direction of trying to limit cost growth in the Department of Defense, but it does have some flaws in it.

I would like to advise my colleagues that I hope they will reject that proposal because, in fact, the House conferees today will be offering in the conference a modified form of the amendment which will inform us of cost growth, but without including the destructive aspects of the Nunn amendment. The gentleman from Alabama (Mr. DICKINSON) will make a

motion to lay the gentlewoman's proposal on the table, and I hope that motion will be unanimously supported.

DRUG ENFORCEMENT ADMINISTRATION BUDGET CUT OPPOSED

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, I had many disappointments with the Carter administration over the subject of crime, and during the campaign I was very much encouraged by much of what I heard from the President about what his administration was going to do in combating crime in this country. The administration, however, has obviously decided to abandon its vigorous efforts to combat crime in America. They propose a 12-percent cut—\$27 million—from the Drug Enforcement Administration budget, an elimination of some 400 billets and 200 agents.

It will impact our overseas operations, our operations domestically, and phase out entirely the task force operation, which is among the most successful that we have had in law enforcement; it means an abandonment of the training programs. This is all at a time when we have a bumper crop of heroin, some 600 tons, coming in from Southeast Asia. We are swimming in cocaine and marihuana. The administration wants to cut \$27 million more from a budget that is already totally inadequate to deal with the crime problems today.

We have curtailed the Coast Guard operations to such an extent that they had to phase out 90 percent of their drug interdiction on the west coast for lack of fuel. It is the wrong direction, Mr. Speaker.

□ 1045

CONVERTING UNUSED GOVERNMENT FACILITIES INTO PRISONS

(Mr. SMITH of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Alabama. Mr. Speaker, the Attorney General has testified before Congress that the administration does not have \$2 billion to give to States and communities to help them build new prisons as the Attorney General's Task Force on Violent Crime recently recommended. Since we need to bring Federal spending under control and, at the same time, reduce crime, it seems to me that the pragmatic thing to do is to encourage the Federal Government to give individual States abandoned or unused Government facilities to convert into prisons.

Prisons are an unfortunate necessity, but a fact of life. Another fact is that the American people believe that murderers, rapists, and others who refuse to abide by the rules set for society should be put behind bars and kept there. I believe the American people are willing to pay for tougher punishment. When it comes down to paying with your pocketbook or your life, the choice is obvious. But I also believe the people expect you to go about it in the most cost-effective way. This is the reason I have cosponsored H.R. 4450.

Next to inflation and high interest rates, crime and the fear of it threaten our very way of life. The right that Americans have always cherished is practically nonexistent. I am talking about the right to walk down the street to visit your neighbor or around the block at night—or during the day—without the fear of being mugged. Americans, particularly our senior citizens, are being held hostage in their homes. The time has come to put a stop to the wholesale release of criminals simply because prison conditions are uncomfortable. If crowded prison conditions are reason enough for unlocking prison doors, and I do not share this philosophy, then we must eliminate overcrowding in our prisons and I do not mean by prematurely releasing those who have committed crimes but by building more prisons or utilizing existing Federal facilities.

I strongly urge the Members of this House to support H.R. 4450.

NEED FOR TAX CREDITS FOR PURCHASE OF WOOD AND ANTHRACITE STOVES

(Mr. NELLIGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELLIGAN. Mr. Speaker, today I am introducing legislation which would extend the residential energy tax credit to include the purchase of wood- or anthracite-burning stoves and related equipment.

Under the existing credit, a homeowner can take up to 15 percent of \$2,000 spent on energy conservation measures, or a total of up to \$300, as an income tax credit. If conservation investments are made during more than one year, the tax credit can be applied more than once, up to the \$300 limit.

The purpose of the credit is to provide financial incentives for individuals who want to invest in energy-conserving equipment. Unfortunately, wood and anthracite stoves do not now qualify for the credit. The bill I am introducing today would make them eligible.

I am sure you recall that the House version of the Tax Incentive Act contained a provision making wood-burning stoves eligible for the credit. The provision was excluded in the conference version.

Supporters of a tax credit for wood-burning stoves point out the significant role wood energy can play in meeting our Nation's growing energy needs. Wood and its byproducts now provide some of the energy used in heating 7 percent of American homes. According to a recent GAO study (EMD-81-6, Mar. 3, 1981), with more efficient usage of forest waste products, wood could contribute up to 8 percent of our Nation's total energy needs by the year 1990.

To increase wood energy usage, major obstacles must be overcome. Primary among these is the need to upgrade the marketing and distribution network for wood-burning equipment. Extending the residential energy tax credit to wood stoves is one way to accomplish this important objective.

Similar problems exist in the marketing and distribution network for anthracite coal stoves. Despite recent increases in sales, EPA estimates that in 1979 only 160,000 homes burned anthracite as their primary fuel source. The use of hard coal for residential and commercial heating plummeted from 28.1 million tons in 1949 to a low of 1.6 million in 1978. While the downward slide was halted in 1979, the residential heating market for anthracite is still not growing as fast as it should if the industry is to play an optimal role in reducing our dependence on foreign oil.

The reasons for this sad state of affairs are puzzling in light of the unique advantages of anthracite as a home-heating fuel. At current prices, anthracite is much cheaper than oil per Btu of heat value. Anthracite is much cleaner to burn than bituminous coal and emits almost no particulates. Anthracite can be burned at up to 90 percent efficiency, and leaves little ash to be removed after combustion. Anthracite is much more energy dense and easier to transport than alternative energy resources such as wood.

In light of these advantages, one wonders why there has not been greater use of anthracite in the space-heating market. One of the main factors cited by experts is that there is too little consumer awareness of the advantages of anthracite. They say that shrinking demand for anthracite in the past 40 years has atrophied the anthracite marketing and distribution network to the point where there is no longer an effective voice in the private sector to point out the advantages of anthracite to consumers.

I think you would agree that this is an unfortunate situation, not only for the anthracite industry and consum-

ers, but for the Nation as a whole. I believe that the legislation I am introducing today will help consumers to recognize the advantages of anthracite as a home-heating fuel. Furthermore, extension of the tax credit will provide tangible evidence to beleaguered anthracite producers that our Nation is indeed committed to developing our anthracite option as a means to reducing our dependence on foreign oil.

By including both wood-burning and anthracite stoves in my bill to extend the residential energy tax credit, it is my hope that the legislation will attract wider support than bills to include either type of stove separately.

The potential market for anthracite stoves is greatest in the Northeast and Midwest, the areas closest to the anthracite fields, which are, ironically, the same areas most heavily dependent on oil imports. The market for wood stoves is more evenly distributed across the Nation, wherever wood and wood residue resources can be developed.

In a larger sense, this legislation will benefit all Americans. By encouraging conversion from oil to alternative energy resources readily available here at home, it will reduce our dependence on energy imports. I urge interested Members to join with me in cosponsoring this important bill.

IS THE SPEAKER'S COMBATIVE MOOD PRODUCING RESULTS?

(Mr. GREGG asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GREGG. Mr. Speaker, reports from the press tell us that the Speaker of the House was quoted as being in a "jaunty and combative" mood earlier this week. I was interested to learn of this. I have always said that what this House needs is a jaunty Speaker. But is he combative?

I ask, what is he combating? Is he combating inflation? That would be a welcome change since the policies of the liberal leadership in this House gave our country crippling inflation for the last 10 years. But he offers no plan to change that.

Is he combating high interest rates? That does not seem likely. Under the administration of President Jimmy Carter our interest rates jumped from 7 percent to nearly 20 percent, and this was the result of the policies of our liberal leadership.

So what is he combating? It is the courage and political wisdom of the Reagan administration, which is attempting to give new direction to this country and bring us back from the abyss we have been led into by this, our liberal leadership.

Let us hope that the Speaker turns his jaunty and combative attitude in new directions that are good for this

country and not just partisan in nature.

A PLEA TO REJECT THE NUNN AMENDMENT

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, for over 3 weeks now the House has been in conference. The House conferees of the Armed Services Committee have been in conference with our counterparts from the other body.

We really would have concluded our deliberations had it not been for a change in the budget that was sent over from this administration. One of the things in issue is the so-called Nunn amendment which would require us to put certain reporting requirements on the Secretary of Defense and in the absence of certain requirements cause the cessation and cancellation of many contracts.

I am informed that my colleague, the gentlewoman from Colorado (Mrs. SCHROEDER) will introduce an amendment today which will mandate this House to accept the Nunn amendment. I think this would be only unwise but unconscionable.

We are in the process of negotiating. We have made progress, and I think it would be concluded today. But to say that we must accept something that the Senate has done without even being given an opportunity to negotiate and to work out the language differences would be, I think, totally unwise. I have been in touch with the Secretary of Defense, and he is appalled at it and certainly resists it.

Mr. Speaker, I hope the House will vote the amendment down and support my motion to table.

DEMOCRATIC LEADERSHIP CHARGED WITH DECEPTION ON SOCIAL SECURITY

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, we have heard this morning the distinguished chairman of the Social Security Subcommittee of the House Ways and Means Committee, the gentleman from Texas (Mr. PICKLE), say that he is trying to get his subcommittee to work in solving the social security problem. He said that he has the actuarial data that shows the system is in real trouble, but we also understood him to be saying that the House leadership, the Democratic leadership, is not permitting him or his committee to work its will.

Well, I ask, what is the Democratic leadership doing here? Are they play-

ing politics with the well-being of America's senior citizens? And what is the Democratic National Committee up to? They have sent out a fundraising letter in a little brown official-looking envelope—an envelope that looks like the one which senior citizens receive from the Social Security Administration. It is a pure and utter deception. It is fraud perpetrated on the sensitivities of our Nation's elderly. Inside it abuses the name of one of the most distinguished Members of the House, the gentleman from Florida (Mr. PEPPER), and it totally distorts reality. On the outside it purports to be official, on the inside it totally distorts the Republican position on social security.

Why at this time, we ask ourselves, do we have this kind of distortion? Could it be the desperate result of a bankruptcy of ideas? Is it simply a last-ditch effort to keep the public from realizing the poverty of their position?

THE DEMOCRATIC NATIONAL COMMITTEE'S "IMPORTANT NOTICE"

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, I, too, have received several complaints from constituents in regard to the letter that they received which was labeled "Important. Social Security Notice Enclosed." The notice was in fact a campaign solicitation from the Democratic National Committee.

What concerns me about this particular letter, even more than its distortions, even more than its blatant partisanship, is the way it preys on the fears of the hundreds of thousands of retirees in this Nation who depend each month on the social security system and the receipt of hard earned and needed benefits.

Mr. Speaker, this issue is too important for us to play politics with. We cannot permit anyone to turn our social security system into a partisan sacrifice for the sake of politics as usual.

HOUSE SAID TO BE OUT OF TOUCH WITH REALITY ON AWACS ISSUE

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, yesterday we learned how ill-advised and ill-timed the vote was that we cast in this House on the AWACS issue. It was apparent when we cast that vote that we were not in possession of all the facts and we did not know just exactly what the administration had as bargaining

points as it was dealing with the AWACS issue.

I was one of the Members who did not support the administration's position in the House, and still believe my vote was the correct vote given the circumstances, but I knew at the time that I did not have all the facts. I think yesterday we found out that a political decision was made, a decision was made to put this House in a political stance on AWACS rather than consider everything that goes into a good international stance.

Mr. Speaker, as a result, this House ends up looking like it was totally out of touch with reality.

EXPLAINING REPORTING REQUIREMENTS OF THE NUNN AMENDMENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, it is true, yes, that I will be offering an amendment today to instruct the conferees to accept the Nunn amendment, and there will be a motion offered immediately to lay it on the table. I hope the Members will vote against that motion.

I think that the Nunn amendment, which passed in the Senate by a vote of 96 to 0, and which was criticized only for not going far enough, should not be allowed to be gutted in the conference. It only affects our 50 major weapons systems. There are no reports required unless those weapons systems come in with 15- or 10-percent cost overruns, depending on whether they are procurement or R. & D. If they do not, they do not have to report. It is very simple.

We have heard a lot of people say it will stop funding. Senator NUNN made it very clear that he does not want the funding stopped unless there is, first of all, a cost overrun therefor triggering a report and they do not report within 30 days. That is offered only so there will be some clout to try and get them to respond to this body.

I think this is one of the most serious questions in front of this body. In order to get the same number of M-1 tanks, air missiles, and ground missiles, we will spend \$900 million more than was estimated.

COST OVERRUNS FOR MAJOR WEAPONS SYSTEMS

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY. Mr. Speaker, it is a shame that we have to take the floor during the 1-minute speeches to try to explain a pending amendment. I understand that there will be a motion

offered to table the motion to instruct on the Nunn amendment, and I take this very brief time to explain to those Members who are not familiar with what the gentlewoman from Colorado (Mrs. SCHROEDER) is about to do that this is a simple reporting requirement.

Since 1980, according to the reports, on the 47 major weapons systems the cost overruns, both due to inflation and misestimates, have reached \$48 billion. We are buying in 1982 the same number of weapons we had authorized in 1980, except that it is costing us \$48 billion more.

□ 1100

If we are serious about a national defense second to none, we have to squeeze out the cost growth. Before we can do that we have to know on a timely basis where it is happening and how it is happening. That is all this amendment does. It does not affect any major weapons system. It just gives the House and the other body greater capability in terms of determining where the cost growth is coming from.

I urge my colleagues to vote against the motion to table that will be offered.

INSTRUCTING CONFEREES ON DEFENSE DEPARTMENT AUTHORIZATION ACT OF 1982

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, I, too, share the concern of the gentleman from New York (Mr. DOWNEY) that the minority will be offering an attempt to gag a meaningful discussion about defense expenditures currently under consideration by this Congress. Indeed, it was only yesterday that the GAO report revealed in the Washington Post that the Department of Defense has grossly underestimated the cost expenditures for one of our major weapons procurement programs.

Why is this House afraid to discuss gold-plated weapons systems? Why is the test of our Defense Establishment going to be measured by how much money we can cram down the Pentagon's throat to spend on our behalf? Why are we afraid? Is it because we may be embarrassed by huge cost overruns? Are we afraid that the American public will refuse to believe that we are spending their dollars on defense matters wisely?

I think this debate is well in order. The gag rule motion to be offered by the minority should be rejected. Let us bring Department of Defense expenditures out into the sunshine where they can be properly judged by everyone.

MOTION TO INSTRUCT CONFEREES TO AGREE TO PROVISIONS CONTAINED IN SECTION 922 OF S. 815, DEPARTMENT OF DEFENSE AUTHORIZATION ACT OF 1982

Mrs. SCHROEDER. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mrs. SCHROEDER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendments to the bill S. 815 be instructed to agree to the provisions contained in section 922 of the Senate bill.

MOTION TO TABLE OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Speaker, I offer a motion to table.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. DICKINSON moves to lay on the table the motion of the gentlewoman from Colorado.

The SPEAKER pro tempore. The motion is not debatable.

The question is on the motion to table offered by the gentleman from Alabama (Mr. DICKINSON).

The question was taken; and on a division (demanded by Mr. DICKINSON) there were—yeas 28, nays 18.

Mrs. SCHROEDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 171, nays 224, not voting 38, as follows:

[Roll No. 287]

YEAS—171

Akaka	Dannemeyer	Hendon
Albosta	Davis	Hillis
Archer	de la Garza	Holland
Ashbrook	Derwinski	Holt
Atkinson	Dickinson	Hopkins
Badham	Dornan	Horton
Bafalis	Dougherty	Huckaby
Bailey (MO)	Dreier	Hunter
Beard	Duncan	Hutto
Bennett	Dyson	Hyde
Bethune	Edwards (AL)	Jeffries
Bevill	Edwards (OK)	Jenkins
Billey	Emerson	Johnston
Bouquard	Emery	Jones (TN)
Broomfield	Erlenborn	Kazen
Brown (OH)	Fary	Kemp
Burgener	Fiedler	Kindness
Butler	Fields	Kramer
Byron	Fish	Lagomarsino
Campbell	Flippo	Latta
Carman	Goldwater	Leath
Chappell	Gonzalez	LeBoutillier
Chappie	Goodling	Lee
Clausen	Gradison	Lent
Collins (IL)	Gramm	Loeffler
Collins (TX)	Gregg	Long (MD)
Conable	Grisham	Lott
Courter	Gunderson	Lowery (CA)
Craig	Hall, Ralph	Lungrun
Crane, Daniel	Hammerschmidt	Marks
Crane, Philip	Hansen (ID)	Marriott
Daniel, Dan	Hansen (UT)	Martin (NC)
Daniel, R. W.	Hartnett	Martin (NY)

McClary	Quillen	Spence
McCollum	Regula	Stangeland
McDonald	Rhodes	Stanton
McEwen	Roberts (KS)	Stanton
McGrath	Roberts (SD)	Stratton
McHugh	Robinson	Stump
Mica	Rogers	Taylor
Michel	Rostenkowski	Thomas
Miller (OH)	Roth	Trible
Mitchell (NY)	Rousselot	Vander Jagt
Molinar	Rudd	Walker
Mollohan	Schulze	Wampler
Moorhead	Shaw	Weber (OH)
Morrison	Shelby	White
Myers	Shumway	Whittaker
Napier	Shuster	Williams (OH)
Natcher	Siljander	Wilson
Nelson	Skeen	Winn
Nichols	Skelton	Wolf
Oxley	Smith (AL)	Wortley
Parris	Smith (NE)	Wylie
Pashayan	Smith (OR)	Young (AK)
Perkins	Snyder	Young (FL)
Price	Solomon	Zablocki

NAYS—224

Addabbo	Findley	Moffett
Anderson	Fithian	Montgomery
Andrews	Foglietta	Moore
Annuzio	Foley	Mottl
Anthony	Ford (MI)	Murphy
Applegate	Ford (TN)	Murtha
Aspin	Forsythe	Neal
AuCoin	Frank	Nelligan
Bailey (PA)	Frenzel	Nowak
Barnes	Frost	O'Brien
Bedell	Fuqua	Oakar
Benedict	Gaydos	Oberstar
Benjamin	Gejdenson	Obey
Bereuter	Gephardt	Ottinger
Biaggi	Gibbons	Panetta
Bingham	Gingrich	Patman
Blanchard	Glickman	Patterson
Boggs	Gore	Paul
Boland	Gray	Pease
Boner	Green	Petri
Bonior	Guarini	Peyser
Bonker	Hall, Sam	Pickle
Bowen	Hamilton	Porter
Brinkley	Hance	Pritchard
Brodhead	Harkin	Pursell
Brooks	Hatcher	Rahall
Brown (CA)	Hawkins	Rallsback
Brown (CO)	Heckler	Rangel
Broyhill	Hefner	Ratchford
Burton, Phillip	Heftel	Reuss
Cheney	Hertel	Richmond
Chisholm	Hightower	Rinaldo
Clinger	Hiler	Ritter
Coats	Hollenbeck	Rodino
Coleman	Howard	Roe
Conte	Hoyer	Roemer
Conyers	Hubbard	Rose
Coughlin	Hughes	Rosenthal
Crockett	Jacobs	Roukema
D'Amours	Jeffords	Roybal
Danielson	Jones (OK)	Russo
Daschle	Kastenmeier	Sabo
Daub	Kildee	Santini
Deckard	Kogovsek	Sawyer
DeNardis	LaFalce	Scheuer
Dicks	Lantos	Schneider
Dingell	Leach	Schroeder
Dixon	Lehman	Schumer
Donnelly	Leland	Seiberling
Dorgan	Levitas	Sensenbrenner
Dowdy	Livingston	Shamansky
Downey	Long (LA)	Shannon
Dunn	Lowry (WA)	Sharp
Dwyer	Lujan	Simon
Dymally	Lundine	Smith (IA)
Early	Markey	Smith (NJ)
Eckart	Marlenee	Smith (PA)
Edwards (CA)	Martin (IL)	Snowe
English	Matsui	Solarz
Erdahl	Mattox	St Germain
Ertel	Mavroules	Studds
Evans (DE)	Mazzoli	Swift
Evans (GA)	McDade	Synar
Evans (IA)	McKinney	Tauzin
Evans (IN)	Mikulski	Traxler
Fascell	Miller (CA)	Udall
Fazio	Mineta	Vento
Fenwick	Minish	Volkmere
Ferraro	Moakley	Walgren

NOT VOTING—38

Washington	Whitley	Wyden
Watkins	Whitten	Yates
Weaver	Williams (MT)	Yatron
Weber (MN)	Wirth	Young (MO)
Weiss	Wolpe	Zeferetti
Whitehurst	Wright	

□ 1115

Messrs. BAILEY of Pennsylvania, DUNN, DANIELSON, SENSENBRENNER, COATS, HILER, EVANS of Iowa, MARLENEE, MOORE, and SAWYER changed their votes from "yea" to "nay."

Mr. ALBOSTA changed his vote from "nay" to "yea."

So the motion to table was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The gentlewoman from Colorado (Mrs. SCHROEDER) is recognized for 1 hour.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DICKINSON. Mr. Speaker, I would like to ask if my understanding of the parliamentary procedure is correct.

The gentlewoman from Colorado has succeeded against the motion to table, in which case she has a privileged motion now pending. It is my understanding she will have 1 hour to debate the motion now pending, and is in control of that entire time. Is this correct?

The SPEAKER pro tempore. The gentleman stated the issue correctly.

Mr. DICKINSON. Mr. Speaker, I wonder if the gentlewoman would inform this Member what amount of time she would be willing to yield to the opponents of the proposal.

Mrs. SCHROEDER. If the gentleman will yield, the gentleman did not wish to yield to me any time at all. The opponents wanted to gag us.

Mr. DICKINSON. I am sorry, I did not understand the gentlewoman.

Mrs. SCHROEDER. I think the issue is whether or not we can move through debate and to the vote fairly rapidly. If Members want to ask for time, I will be happy to consider the request. But we have a lot of Members who wish to speak.

Mr. DICKINSON. Mr. Speaker, is the gentlewoman saying she would decline to yield the opponents any time?

Mrs. SCHROEDER. No; I am not saying that I would decline to yield. I am saying I am not going to lock myself into a time because many Members have asked for time.

Mr. DICKINSON. I thank the gentlewoman.

Mr. MICHEL. Mr. Speaker, if the gentlewoman will yield, is the gentlewoman suggesting she is not even going to divide her time?

Mrs. SCHROEDER. Mr. Speaker, if the gentleman wants, we will be more than happy to yield him 30 minutes for debate purposes only.

Ms. OAKAR. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, may I ask the gentlewoman when she asked for time relative to a similar point of discussion, was the gentlewoman given time?

Mrs. SCHROEDER. No; but let me say that the gentlewoman is filled with charity this morning.

Ms. OAKAR. Right. I understand that.

Mrs. SCHROEDER. And the gentlewoman does not believe in gagging, so we will yield to the gentleman 30 minutes for debate only.

Mr. DICKINSON. Mr. Speaker, did I understand that the gentlewoman said that she would yield 30 minutes to the opponents of the motion?

Mrs. SCHROEDER. No; I said I would yield for debate only, 30 minutes to the gentleman from Alabama for debate only.

Mr. DICKINSON. I mean for debate only. The gentlewoman will yield 30 minutes to this side for debate only?

Mrs. SCHROEDER. That is correct.

Mr. DICKINSON. I thank the gentlewoman.

Mr. Speaker, just let me say that the motion to table was not debatable. The gentlewoman did not ask for time, and I did not refuse it. The gentlewoman understood that.

Mrs. SCHROEDER. Mr. Speaker, I truly do want to thank the many Members who helped bring this to the floor. I did not defeat the motion to table by myself.

Mr. Speaker, the reason I think this is such an important amendment is that one of the most difficult things that we do in this Congress is oversee the management of programs. We spend lots of time discussing them and voting for them, but we never tend to go back and do the followthrough. It is awfully important for weapons programs because we are dealing with megabucks, gigantic amounts of money, and very often it gets wasted away. The Members have seen the facetious articles, as well as I have. But if the cost escalation continues in the

manner that it has, there are people who predict that we will soon be able to only buy one airplane, one boat, and one tank. Now, that is a little facetious, but research, development, and program costs certainly are going crazy.

The December 1980 SAR, for example, showed that of 47 of the 50 weapons systems, there was over 40 billion dollars worth of cost overruns in 3 months. That is absolutely incredible.

Now, Mr. Speaker, we are going to hear a lot of debate about the amendment I am instructing the House conferees to accept. Let me tell the Members what it does. It was introduced by Senator NUNN, and was passed overwhelmingly in the Senate, 96 to 0. So, I think that says how important it is.

It only focuses on the approximately major 50 weapons systems listed in the SAR. It does not cover nuts and bolts; it does not cover what kind of shorts they are buying; or what kind of shoes they are buying.

□ 1130

Those systems acquisition reports are not very usable. They look like phone books, they are generally classified, and they tell you absolutely everything except what you need to know. As a result, it is very difficult to get a handle on what the per unit cost is of our major weapons systems.

So, what Senator NUNN did last May, in the Senate, was propose an experiment. First of all, the experiment is for 1 year and 1 year only. It expires in the next fiscal year. It says that after each SAR comes in on the 50 major weapons systems, that the person who is in charge of this weapon system prepares a small document telling us what the unit cost is.

It uses the March 1981 SAR as the baseline data.

The person in charge of this weapon system reports to the Secretary of the Service how much that weapon system is being produced for. That is as far as the amendment goes if that weapon system is not running 10 percent more than projected after inflation for procurement, or 15 percent more than inflation for research and development.

If it turns out that cost overruns exceed 15 or 10 percent, depending on whether it is a weapon or R. & D., then the Secretary of Defense must report to the Congress within 30 days. In that report, the Secretary must tell us the reason for the overrun, the responsible officer for that weapon procurement program, the actions planned to restrain further growth in the program, and then, last, the contractor's view of why the overrun took place and what the contractor can possibly do to try to get it under control.

Now, there are a lot of people saying it shuts off funds. It does not shut off funds unless DOD does not send the report to the Congress. The club is

wielded only if the report is not over here in the 30 days. This makes a lot of sense. Otherwise they are apt to thumb their nose at us and say forget it.

The data is clearly being collected on every one of these weapon systems production processes, but it is in gigantic and unusable forms. This amendment only condenses, only targets who is really in charge. It makes one other important reform.

Year after year the Office of Management and Budget underestimates inflation. I think this amendment will start to focus on how and why that figure is underestimated. I know other people would like to talk about this. I only want to reiterate: The amendment only applies to 50 weapons systems, and only if their cost exceeds a certain limit. It is only for 1 year. And no funds are shut off unless those reports are not made on time.

Mr. PETRI. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Wisconsin.

Mr. PETRI. I thank the gentlewoman for yielding.

There has been some talk on the floor here that the difficulty with the gentlewoman's motion of instruction is that it would force the conferees to agree to the Nunn motion which has some technical difficulties.

Could the gentlewoman discuss the merits of that?

Mrs. SCHROEDER. Yes; I think that the gentleman from Wisconsin is very much aware of the fact that a motion to instruct the conferees is advisory. It does not lock anyone into periods and commas and exact wording.

I think what it says is that this Congress in principle is advising the conferees that the intent of the Nunn amendment is something we approve of and we think should be dealt with. I think that is what the whole issue is all about.

I keep reminding people this is not saying that we are adopting the Nunn amendment hook, line, and sinker. We are adopting the principle of it. It is in advisory form and I think everybody here is aware of that distinction. But I am very pleased that the gentleman from Wisconsin has pointed that out.

Mr. Speaker, I reserve the balance of my time.

Mr. DICKINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find myself in a very anomalous situation in my position here. The gentlewoman from Colorado (Mrs. SCHROEDER) has served with me on the Research and Development Subcommittee for many years, as well as the full committee, and I am absolutely and totally in agreement with the thrust of the so-called Nunn

amendment. I have no problem with the intent.

The people in this House who do not deal with this and are not intimately acquainted with it cannot fully appreciate what is involved here, but I guess since the time when Mr. McNamara was Secretary of Defense, each year when the projected costs of weapon systems come over and we are told what a weapon system will cost and we look at the fine print, we get down to the inflation factor.

The inflation factor historically has been erroneously low. As a matter of fact, as one time the B-1 research and development inflation factor was projected at 1.9 percent when it was in fact running at 12 percent.

This has been gone through in administration after administration and it has not varied. I do not think there is any person in this House who has been more vociferous and outspoken in his criticism of this practice than the Member in the well. This is part of the problem that we are trying to get at and part of the problem that the Nunn amendment seeks to redress and to correct.

My colleagues ask, "Why do you always use a false or spurious inflation factor? Why do you put 5.6 percent when we know it is running 10 or 15 percent?"

The fact is, the OMB directs the Department of Defense to use these factors. We ask why? If we finally get an answer they say, "If you put them higher then the contractors know what this inflation factor is that the Department is using," so it becomes a self-fulfilling prophecy and they automatically raise their estimates to the point that is used by the Department of Defense.

We ask the converse question: "When have you ever been right? By putting it low, what have you accomplished?" All it does is cause a stretch-out and increase in unit costs.

I have been critical of this for as long as I have been on the committee, I suppose, and it is a fact that when we appropriate money for a year, we authorize it and appropriate it, and say we expect to spend \$100 million to build 30 aircraft, and we are using a 5-percent inflation factor. Before the year is over we find out that 5 percent is not 5 percent but it is 10 percent—and 10 percent on \$100 million is \$10 million.

Then you are short half of that amount of money. What do they do? They stretch out the production rate. When you stretch out the production rate to fill up the 2 months, your overhead and costs keep on going. That means they are going to be building fewer and pay the same amount of money so the unit cost goes up.

This goes on in weapon system after weapon system. Every one I know of.

We even asked the Assistant Secretary of Defense for Research and Development to tell us one weapon system that they are procuring at the most economic rate and he came up with one. We checked it out and he was wrong. Not one that I know of has been procured at the most economic rate.

So the thrust of this amendment is good. I support the intent and purpose. My problem is that I do not think that we of the House Armed Services Committee should go into a conference with our hands tied.

We are in conference today. As a matter of fact, the conference meeting had to be put over so we could participate in the debate that is pending at this second.

We met with Senator NUNN and his staff yesterday. We have been meeting with them for 3 weeks. We were fully confident that we would resolve the issue today. We were making progress. There are certain things I will point to in a moment I do not agree with. But our staffs have been meeting. I have been meeting. I was on the phone yesterday with Senator NUNN. I have been on the phone with him several times trying to effect the same purpose, the same intent.

What we do here is say, "All right, you House conferees, we are not going to trust you to go and work your will and do what we think is best; we are going to bind your hands and go in and say take the Nunn amendment. We will not negotiate. Take it."

Well, very few people in this House even know what is in the Nunn amendment and you are going to tell us to take it.

I will tell the Members what part of the problem is. The Nunn amendment language here says:

Section (b)(1): If the Secretary concerned determines, on the basis of any report submitted to him pursuant to subsection (a), that the total program acquisition unit cost (including any increase for expected inflation) for any major defense system for which no procurement funds are authorized in this Act has increased by more than 15 per centum . . .

My point being that inflation is included. This is one of the elements here that is going to be contained.

We know that the inflation factor is wrong and we know that this is the thing we are trying to get at. But what happens?

Well, on one of the major systems, it says, when there is an overrun, then the Secretary must come back and tell us these things. But then if it is a major weapon system the Secretary of Defense, not one of the Service Secretaries must certify, he must certify, that such system is essential to national defense and no alternative exists that the new estimates or the total program acquisition cost are reasonable, that is the new ones are reasonable, and he has to certify that the

management structure for such major defense system is adequate to prevent future increases in total program acquisition unit cost or unit acquisition cost.

□ 1145

What does that mean? That means that the Secretary of Defense then is put in a position of having to certify that if we have a very large inflation, which has caused the overrun, he has got to certify that he has that under control, too. He cannot do that. What happens if he does not is that we are going to terminate our obligations and other expenditures which will interrupt the contract, whether it be building a Trident submarine or building an aircraft or a space vehicle or whatever. You stop and you lay people off. You pay termination costs and then after the compliance is made, they you say, "OK boys, everybody come on back." You go find the workers and everybody goes back to work because he has complied now.

I am saying that we are putting an impossible burden on the Secretary of Defense, and these are not my works. I have a letter here from the Secretary of Defense addressed to Senator TOWER, and he says, in effect:

Inasmuch as breeches of thresholds and budgeting must first be identified before I have made my final decision regarding the DOD's next budget, the reports could be premature. This unit cost report would either preempt my decision—

The Secretary of Defense speaking—or be in error depending upon the course of action selected.

I am also concerned with the wording which would require the secretaries of military departments to submit reports directly to the Congress and not to the Secretary. It is my responsibility—

The Secretary of Defense says—to improve or disapprove major systems, acquisitions, within a department, and I could be placed in an untenable position if the service secretaries were to submit such reports directly to the Congress and not come through the Secretary of Defense.

The Assistant Secretary of Defense in Research has written a similar letter.

My point is that we are putting a burden on the Secretary that he cannot meet; my point being further that these objections can be worked out in conference and will be, I am sure, with Senator NUNN. We are both reasonable and that is what a conference is about; but to say that we cannot even go into conference and have any room to negotiate errors of legitimate concern, that we have to buy in toto what Mr. NUNN has said over there without even the Members of this House knowing what is in it, to tell us that we have got to accept it, I think is untenable and unacceptable.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. Let me yield to the gentleman on the committee and then I will be glad to yield to the other gentleman.

Mr. KAZEN. Now, the gentlewoman from Colorado has said that this is not binding on the conferees.

Now, the gentleman in the well seems to think that it is. This is the dilemma that the rest of us are faced with.

The gentleman agrees with the thrust of the Nunn amendment, but he wants to be able in conference to suggest certain things that he has been talking about.

Mr. DICKINSON. Exactly.

Mr. KAZEN. Will the motion of the gentlewoman from Colorado prohibit the conferees from doing what the gentleman in the well wants done?

Mr. DICKINSON. I think in this instance, in the words of the gentlewoman from Colorado, I think they are misleading and no doubt unintentionally so; but as to the effect instructing the conferees of the House have, this simply says that the House conferees within the parameters of the language must accept it.

Now, you can make technical additions and corrections. You can change commas and periods, but the thrust of what is included in it, you cannot change; so while I am in sympathy with the purpose of it, what I am saying is that it works mischief in other areas that were not intended by the author of the amendment. I think we can work those out in conference if we are not mandated to accept it.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Washington.

Mr. DICKS. Well, I certainly understand, the gentleman has made a good statement here. He has outlined the issues quite well.

I have checked with the Parliamentarian. If the Armed Services Committee comes back with language that is not identical to the Nunn-Warner amendment, there will not be a point of order that can rest against it, so there is some flexibility for the conferees.

The way I view this, what we are trying to do here today is to stiffen the spine, the resolve of the conferees, to try to come to grips with this very difficult and very important problem.

If we could only, out of this effort, force OMB to allow the Defense Department to give an honest assessment of inflation, I think we would accomplish a great deal here today.

Mr. DICKINSON. I agree.

Mr. DICKS. I think there has been no one in the House who has spoken out more strongly than the gentleman in the well on this important subject.

What we are here today saying is that it is time for Congress to come to grips with this issue. We want our con-

ferees to go in there and come back with the strongest possible position.

I, for one, would not expect them to come back and accept unilaterally the Nunn amendment, but we do not want, on the other hand, to have them walk away from it and not come back with a strong provision that will help us in a constructive way to deal with this important problem.

I just want to make sure that the gentleman understands that. That is my intention and I think that is the intention of the people who have offered this amendment.

Mr. DICKINSON. I thank the gentleman. Just let me say that I did not think that I was in need of strengthening my backbone on this thing. I have been pretty adamant on it and I have been pretty forthcoming with the Senator.

The main objection that I have is that we are writing into statutory law a triggering mechanism that could, if the Secretary cannot certify that the structure for such major defense systems is adequate to prevent further increases in total program acquisitions, which I have to interpret to mean inflation also, that it would automatically trigger the cessation of funds, that you cannot go forward with construction, it would terminate contracts. These are the problems that I want to get at.

I think it is major and I do not think it is one of the technical things that we would have within our jurisdiction to accept it if we were bound.

Mr. STRATTON. Mr. Speaker, would the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I would like the gentleman to yield so that I can propound a parliamentary inquiry.

The gentleman from Washington has expressed his opinion.

The SPEAKER pro tempore. Does the gentleman from Alabama yield for that purpose?

Mr. DICKINSON. Mr. Speaker, I would be glad to yield for that purpose.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Speaker, I would like to propound a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STRATTON. Mr. Speaker, the motion offered by Mrs. SCHROEDER was that the managers on the part of the House at the conference of the disagreeing votes of the two Houses to the bill S. 815 be instructed to agree to the provisions contained in section 922 of the Senate bill.

My inquiry is to what extent does that motion allow the House conferees to deviate in any way from the specific provisions of section 922 of the Senate bill?

The SPEAKER pro tempore. The Chair advises the gentleman that no point of order would lie against the conference report if the House conferees do not follow the instructions of the House, should the House agree to the motion of the gentlewoman from Colorado.

Mr. STRATTON. In other words, we could accept a provision on limiting cost growth that does not follow the precise wording of section 922 of the Senate bill?

The SPEAKER pro tempore. The Chair is not going to rule on what will be in the scope of the conference. The Chair is advising only as to the effect of the motion.

Mr. STRATTON. Does this mean, Mr. Speaker, that if the gentleman from Alabama and I, who have been working on a substitute for the Nunn amendment, come up with something that does not have one or two of the provisions of the Nunn amendment in it, we are not in violation of the motion offered by the gentlewoman from Colorado?

The SPEAKER pro tempore. The Chair would restate the parliamentary situation; that no point of order would lie for the reason that the conferees have not followed the instructions should the House adopt the motion of the gentlewoman from Colorado.

The motion to instruct is advisory.

Mr. STRATTON. Mr. Speaker, then what is the struggle all about?

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I am happy to yield.

Mr. ROEMER. Mr. Speaker, that is the point on which I rise and ask the gentleman from Alabama to respond, if the gentleman would. I respect the gentleman in the well deeply and think his position is quite clear in the matter of strong military defense for this country; but the gentleman said from the well that he agrees completely with the thrust of this amendment.

Mr. DICKINSON. That is true.

Mr. ROEMER. With the thrust of what the gentlewoman from Colorado was trying to do, and we just heard a parliamentary ruling that the flexibility is here for us to keep the thrust and to improve in terms of it's being dotted and t's being crossed.

In view of that statement, I hope the gentleman in the well can support this amendment and let us move on with a strong and accountable military expenditure in this country.

Mr. DICKINSON. Well, I thank the gentleman; but let me respond by saying that I feel sure that if the gentleman stays here long enough to be appointed a conferee, that the gentleman, too, would resent before we even have an opportunity to work out our differences with the other body, before there has even been any hint

that there was an insoluble problem, that there was any hint of giving in or capitulating on any House position, that we would have our hands bound and instructed to go over and accept whatever is offered, without any reason for it.

It comes as a surprise and we on the committee who have the responsibility for the negotiations just do not want to have this edict handed to us.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Illinois.

Mr. HYDE. Well, I want to congratulate the gentleman in the well. I, for one, want to say that I trust the gentleman and I trust all conferees and I have as much confidence in the gentleman's judgment as in the distinguished Senator from Georgia.

When you go in there being instructed by the body, you do not go in there with any leverage to sit down and to negotiate legitimate differences and legitimate approaches to a problem in which you agree with the general concept.

I think it is a vote of no confidence in our conferees.

I think the gentleman from Alabama said he supports the Nunn amendment. There are things to be worked out that are more than technical.

I join in hoping that this body would send the conferees into that conference able to negotiate without this hanging over their heads.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman.

I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DOWNEY. Mr. Speaker, will the gentleman yield to me?

Mr. DICKS. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Speaker, I am fascinated by our friend, the gentleman from Illinois, telling us about instructions to conferees.

Is my memory not clear, but has not the gentleman in times past helped the House to instruct its conferees on the question of abortion with the Senate?

Mr. HYDE. Mr. Speaker, will the gentleman yield to me to reply?

Mr. DICKINSON. Briefly.

Mr. HYDE. I do not recall, but I consider instructions very seriously. I am not saying they are nothing.

It seems to me the position on the other side is that this is really kind of advisory and a little nudge, but it does not mean all that much. I take them very seriously, as I think the gentleman from Alabama does.

Mr. DICKS. Mr. Speaker, I would like to reclaim my time.

I rise in support of this motion. I think today we face a crisis in this country, a credibility crisis, about how

we spend the taxpayers' money. A recent poll in the New York Times suggested that the American people think that we waste 46 cents out of every tax dollar.

In my view, we have to come to grips with that credibility problem if we as a Congress, are to be able to retain the support we need for the increased investment needed for a strong national defense.

The selected acquisition report covering the last quarter of 1980 was submitted to the Congress early this year on the 47 major weapons systems that we were procuring. The cost increased in 3 months by \$47.5 billion. Half of that was a result of underestimated inflation. The other half was cost growth, change orders, and all the other things that we have heard about for so many years from the Pentagon.

I am a strong supporter of national defense, and yet I think we have a responsibility to insist that OMB and the Defense Department provide an honest number on inflation. We are not going to get that honest number until they are forced to come to this Congress, with reports to the relevant committees, and face up to the overruns that are caused not only by inflation, but by endless change orders that come on every major weapons systems.

We have been sitting downstairs trying to mark up the Defense appropriations bill for 1982. In fact, we do not have enough money, I say to the Members of this distinguished body, to fund every single weapons system that the Department of Defense wants.

The gentleman from Alabama said it so well. What we are doing today with the system that we have now is stretching out weapons systems procurement, driving up the unit costs, and we are going to make the problem worse and worse as the years go forward.

I think it is time to demand from this administration, any administration, an honest statement about cost overruns and inflation, and until we require this kind of reporting, we are not going to get it.

I will say to the gentleman from New York and my friend from Alabama, that I have faith in our conferees.

The SPEAKER pro tempore. The time of the gentleman from Washington has expired.

Mrs. SCHROEDER. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. DICKS. Mr. Speaker, I have faith that the conferees will go into that conference and come back with a strong provision. It was my concern, and I think the concern of other Members, that we were hearing that the administration and others were trying to undercut the efforts to get a solid provision in the conference committee.

I hope that will not happen. I think that you can do the job, but I think this instruction gives the conferees a little stronger position with the administration in trying to get them to finally admit that they have been understating inflation for years and this will help us resolve that problem. If we can do that one thing, we will do a good thing not only for the Congress, but also for the contractors, who are forced to eat that inflation, the Department of Defense, and the taxpayers. I think it is time to change the way we have been doing business.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

□ 1200

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, actually the House and the Armed Services Committee, through a special procurement procedures panel, has been holding hearings over the last 6 months. I am a member of that panel. We have had a number of field hearings on some of the major weapons systems.

Mrs. SCHROEDER. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. I thank the gentleman for the time.

Mr. Speaker, I certainly support the gentlewoman's amendment. I recall when my colleagues from Colorado attempted to get half of the waste and cost overruns reduced to eliminate \$8 billion of the \$16 billion in cost overruns that were found by a GAO report, that her amendment was defeated. It is as if we do not want to eliminate waste when it relates to the Defense Department.

Incidentally, that amount that the gentlewoman had chosen to try to eliminate with respect to the Defense authorization bill was about the same amount of the cost reductions for our social security recipients over a 3-year period. So, I thought that was rather unbelievable, that her amendment, her modest amendment, was defeated some weeks ago.

The question really is, why should the Defense Department be sacred when it comes to waste and cost overruns. Those of us who support the amendment of the gentlewoman from Colorado (Mrs. SCHROEDER) are not opposed to our Nation's defense. I personally have always supported our Defense bill. But the American people want to eliminate fraud and abuse not only in human services which saves thousands, but in other agencies like the Department of Defense, which saves billions. Think of the taxpayer for a change. Let us eliminate fraud and abuse and help our Nation's defense at the same time.

Mr. DICKINSON. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HUNTER) for purposes of debate.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I would simply like to say I am a member of the Special Procurement Procedures Panel that was started this year on the Armed Services Committee. In fact, we have held a large number of hearings. We have had field hearings. We have visited many of the contractors who produce some of the weapons systems that have had major cost overruns.

We have had a number of hearings here that culminated yesterday with the testimony of Deputy Secretary of Defense Carlucci. We have a number of recommendations coming up. We, too, have some recommendations which will call for some type of triggering mechanism, cost reporting.

But we have a problem with accepting the Senate recommendations, which I understand came about without benefit of hearings.

I would be happy to yield to the gentleman from Colorado if she could address that point.

Is that true, that Senator NUNN had no hearings on this?

Mrs. SCHROEDER. I would be delighted to respond if the gentleman will yield.

The SPEAKER pro tempore (Mr. OBERSTAR). The Chair would observe it is not appropriate to refer to the proceedings of the other body. It is not in order to refer to Senators by name. It is not in order to refer to debates, probable action, or procedure of the Senate.

Mrs. SCHROEDER. Then the gentleman will say that part of the problem has been people are talking about a much more comprehensive overview, one which deals with maintainability, durability, and reliability. I think that is what the gentleman on the other side is talking about; that we want it more comprehensive. This does not deal with that.

We are hoping and looking for legislation from the subcommittee that you are on dealing with the more comprehensive problem.

This is just for 1 year. There were meetings about this issue. It is a 4-page amendment. It is terribly technical. It only deals with 1 year, dealing with cost overruns on 50 weapons systems under the SAR. So, it is very tiny, and that is why they felt it was not—

Mr. HUNTER. If I could reclaim my time, actually the gentleman is in error if she is under the impression that our committee was dealing with a broader area. Actually we were dealing specifically with cost overruns.

I would like to say just briefly that I see a few things in this summary of the amendment that I think are not in

order. I notice they are talking about 10-percent, 15-percent cost overruns. It is a fact that in some of our critical material market baskets, and I am talking about cobalt, tantalum, chromium, this type of thing, we have 40 or 50 percent inflation rates. And I still do not think that the other body spent as much time, as many hours, had as many hearings as we are undertaking right now in coming up with our program.

Mrs. SCHROEDER. If the gentleman will yield, I think that is true. Many of the strategic materials have escalated phenomenally. But the way to solve that is when the report comes to the Congress explaining the 10- or 15-percent cost overrun, that is put in there. We are not expecting the Secretary of Defense or the Secretaries of the different services to go out and change the cobalt market. We want an explanation so we can explain to the taxpayers what is happening to their very precious dollars.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mrs. SCHROEDER. May I inquire how much time each side has remaining at this point?

The SPEAKER pro tempore. The gentleman from Colorado (Mrs. SCHROEDER) has 15 minutes remaining, and the gentleman from Alabama (Mr. DICKINSON) has 9 minutes remaining.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. Mr. Speaker, sitting here I have been absolutely amazed at my colleagues, particularly on the Republican side of the aisle, as they sit in their seats and their knees tremble in fear of the language of the gentleman's amendment.

We are not declaring war on cost overruns here. If we are talking war, then this amendment is a popgun.

This amendment simply says that the Department has to provide for the Congress some information when a case of a cost overrun takes place. Then it is up to the Congress to decide what to do.

So the gentleman from Alabama can make all his arguments at that time, based on the merits of each case brought forward under this procedure.

Now, does this mean the sky is falling on the Defense Establishment of this country? Does this mean that somehow we are going to weaken and wreck the procurement practices of the U.S. Government? I think not. All this says is we are going to require a report.

Now, I just have to tell you, I am amazed to see all of this trembling, all this fear, and all this fright. Because I heard from my colleagues on the other side of the aisle in previous debates, on human services questions, programs for nutrition, programs for

school lunches, programs for the elderly and all the rest, that this is a tough time, budgetwise, in this country and we have to make serious cuts.

I daresay that if the motion dealt with cost overruns or excessive costs in food stamps, instead of defense spending, my friends on the Republican side of the aisle would be climbing all over themselves to sponsor this amendment. But we are not talking about food stamps, are we? We are not talking about food for the poor. We are not talking about help for the needy. We are talking about overruns in costs that the taxpayers have to absorb that are unnecessary and that Congress needs to examine.

But for my Republican colleagues who have spoken so far, defense spending waste seems to be different. Well, I want to say that the only difference is that military spending projects are lobbied by people who wear \$500 suits. And no one lobbies for the poor.

I urge support of the gentleman's amendment.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HERTEL), who is a new member of our committee.

Mr. HERTEL. I thank the gentleman for yielding.

Mr. Speaker, I am not sure what we are debating here today.

This Congress has made great strides in cutting the budget. We can argue about how it was cut, but I do not think there are too many people that did not agree we have to move toward balancing the budget.

But I think it is clear from talking to constituents, from the mail, from public opinion polls, that certainly people are just as concerned about waste in the Defense Department as they are in any other program, be it food stamps or anything else. I think that when it is clear that we have to strengthen our defenses in this country, it is even more important to keep the faith with the American people so that they can understand how the money is being spent, they can see it is being spent properly, and if we do not keep that faith with the American people, I think we can be assured that at some point some mistakes will be made along the way. If we do not have strong oversight over spending, this Congress will be very embarrassed. Money will be wasted. And, in fact, we will lose part of the mandate we have to have to strengthen the conventional forces of this country.

Mr. Speaker, I was very surprised to see the rollcall to table this motion that we just had, because many of the people who voted to cut the budget in certain ways without any thought as to what was being cut out completely, the National Science Foundation, minimum social security benefits, things

of that sort, with very little debate, and with a document that day that was not even detailed, are afraid to have greater tightening of procedures regarding the huge defense spending that we are having.

Mr. DICKINSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. Holt).

Mrs. HOLT. I thank the gentleman for yielding.

Mr. Speaker, I would like to respond to the gentleman from Oregon (Mr. AuCoin), who was concerned about the trembling knees on this side of the aisle. I think we are missing the point here. There is nobody on the Armed Services Committee who is not concerned about cutting out waste, curbing the cost of our weapons systems. But this goes in the wrong direction. This increases the cost. This does nothing to improve our industrial base, which is one of the most serious problems that we have.

If we have stop and start-up costs, that is going to add to the cost. If we overestimate the cost of weapons system, we are going to have self-filling prophesy that makes it cost more. So it is a very, very serious problem.

Now, we have just gotten rid of the Vinson-Trammell Act. We had many days of hearings on that particular act, which was one that required a lot of paperwork on the part of the Defense Department. We had 45 witnesses before our committee, and there was not one witness who felt that adding that additional paperwork, that additional effort on the part of the Defense Department to figure out why they are costing so much, why our weapons systems are costing so much, that this was counterproductive and it was running the cost up.

I think there are other things that we should be doing. We should be after OMB to try to get at inflation. But this is not the way to go.

It is a difficult problem, and I, too, resent the fact that we are not given the opportunity to really try to work this out in our own committee. I think that we are having hearings on it, we are trying every way possible to find the answer to this. But we do need some leeway.

Mr. HUNTER. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I commend the gentlewoman for her perception of the problem. We have been working hard on this procurement process and the cost overruns. We have a lot of questions unanswered right now.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. Downey).

Mr. DOWNEY. I thank the gentlewoman for yielding.

Mr. Speaker, let us go through some of the arguments we have heard, why this is impossible, that the language is too restrictive; as the Parliamentarian suggests, and as we have heard explained, there is plenty of flexibility in terms of what the House conferees can do with the Senate.

Does anyone disagree with the substance of this amendment? Of course not. No one disagrees with the substance of the amendment. No one disagrees that there needs to be accountability in terms of who manages the program, what they say about it, and the fact that there should be timely reporting.

Now, there are already some reporting requirements, but what we are asking for, and what the senior Senator from the State of Georgia is asking for, and 95 other Members of the other body were asking for is that there be an orderly reporting requirement on cost increases in weapons systems.

That is what is at issue here; not the fact that the Armed Services Committee is having hearings and is working diligently. Wonderful. I hope they do work even harder. I do not see how this in any way impedes the fine work the procurement committees are doing in terms of getting at other problems, as the gentlewoman from Colorado mentioned: Maintainability, durability, reliability of weapons systems. All of that needs to be looked into.

This is a reporting requirement. This is an accounting requirement. This gives us the opportunity to go behind and take a look at the faceless and nameless people who manage weapons systems and make them come forward and account for the decisions they have made. This happens internally, inside the Department of Defense, and now we want to maintain a bit more accountability here in the Congress of the United States.

I urge you, those of you who are in doubt about this amendment, this did not pass the other body unanimously because this was an issue of the right or an issue of the left. This is simply an attempt, and a very anemic one at that, to try to get hold of costs. Please, please support it in that light.

□ 1215

Mr. DICKINSON. I yield 3 minutes to the gentleman from New York (Mr. Stratton).

Mr. STRATTON. Mr. Speaker, in view of the ruling of the Chair, we are probably spinning our wheels here to go into these details because it does not really matter what the conference comes out with, we will still be in accord with the motion of the gentlewoman from Colorado. But if it were not for the fact that I am being recognized only for purposes of debate, I

would have offered a motion that nobody should be permitted to vote for the Schroeder motion until and unless they had actually read the Nunn amendment. I think the discussions that we have had on the subject of the gentlewoman's motion indicate that not too many people have really read the amendment; I think we can all accept the proposition that the U.S. Senate is not infallible. The reason they had a 96-to-0 vote on this amendment was very likely because nobody over there had read it either.

In fact, Senator Tower, the chairman of committee, was not aware of what was in the amendment at the time. No hearings were even held on it. But, as someone has indicated, cost growth is a little bit like motherhood and apple pie. The fact of the matter is that while the amendment is good in trying to provide information to the Congress on the status of cost growth in major weapons systems, it is bad because the way it would do so would be to bring the contracting process to a halt; bring the process to a complete halt. That is the thing we do not like, as the gentleman from Alabama has already pointed out.

This approach would simply increase the cost of our weapons systems if we are going to stop the contract, renegotiate the contract, have everything turned on and turned off. Those Members of the House who are particularly concerned about getting small businesses involved in defense production would certainly not like the idea of having small business contracts turned on and turned off every now and then whenever one of these reports came in.

In addition to that, the Senator from Georgia's amendment would generate, as has already been indicated, a mound of paperwork. And one of the objectives of this House and the other body has been to cut down on paperwork. So, what we have been trying to do is to improve the Nunn amendment. The gentleman from Alabama (Mr. Dickinson) and I were prepared to offer in the conference, which is scheduled for this morning, a substitute to the Nunn amendment, which would have provided for all of the reporting features but would have eliminated some of the damaging impact. I hope the pending proposal will be rejected.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. Dickinson) has 4 minutes remaining, and the gentlewoman from Colorado (Mrs. Schroeder) has 9 minutes remaining.

Mr. DICKINSON. Mr. Speaker, would the gentlewoman take part of her time? I propose to close with my 4 minutes.

Mrs. SCHROEDER. Mr. Speaker, I yield 3 minutes to the gentleman from

California (Mr. PANETTA) for purposes of debate only.

Mr. PANETTA. Mr. Speaker, I do not normally support motions to instruct because I do think that conferees ought to have the opportunity to work out proposals within the context of the conference. I do that because I think that motions to instruct are serious and ought to be taken seriously. Although they are advisory, and the conferees are free to adjust sections or reject the advice of the motion to instruct, the reality is that if they make a major change they are going to be subject to a motion to recommit when they return to the House, and we will have another vote. Thus, while it is advisory, it is also very serious.

We are dealing with an important principle here. My concern is that if we now reject this motion to instruct we send exactly the wrong signal to the conferees, that somehow they are free to reject that entire area. That is why it is important, it seems to me, for the House to vote to instruct the conferees. We are talking about an important budget principle.

Unless we force an issue, unless we develop discipline, and unless we are willing to back up our principles with an enforcement mechanism, it is business as usual.

The GAO this morning reported that built-in savings on the B-1 bomber come to \$2.26 billion that we will never see—that we will never see. That is false savings. A game has developed within the budget process, and it is reflected in a budget that is hemorrhaging. Those are not my words; those are the words of the administration. It is hemorrhaging to the tune of close to \$300 billion over the next 3 years. It is happening not just in entitlement programs, not just in nutrition or education or social security programs, it is hemorrhaging with regard to cost overruns in the defense area. That is why it is extremely important, it seems to me, to send the signal that we need to develop discipline in this area as well.

If we reject this motion to instruct we are sending exactly the wrong signal. The argument is that this is just paperwork. But it is legitimate paperwork that will result in savings. Certainly enough paperwork was found to develop the false savings with regard to the B-1 bomber. We need to have reports to the House when indeed we face cost overruns in these areas.

The principle here is this: Please change "business as usual" attitude in Government. If we do not, we will continue to run "deficits as usual" in this country.

Mr. HEFTTEL. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Hawaii.

Mr. HEFTTEL. Mr. Speaker, I would like to compliment the gentleman on his apparent awareness of something that has not yet been communicated to the bureaucracy, including the Pentagon; namely, that without fiscal restraint, without fiscal integrity, without a mandate from the Congress that we will not tolerate this kind of manipulation of cost factors, we will never control the budget. I want to both support the amendment and thank the gentleman.

Mr. PANETTA. I thank the gentleman.

Mrs. SCHROEDER. Mr. Speaker, I yield 1 minute to the gentlewoman from Rhode Island (Mrs. SCHNEIDER) for the purposes of debate only.

Mrs. SCHNEIDER. Mr. Speaker, I rise in support of the motion by the gentlewoman from Colorado to instruct the conferees. I think that this is a fine opportunity for us, as Members of the U.S. Congress, to take upon ourselves the responsibility of focusing on fiscal responsibility.

Fiscal accountability in the Defense Department is of utmost importance, and is exceedingly timely in this time of budget restraints. We are provided, by this amendment, with the opportunity for a management focus in order to determine our priorities, and where and how to spend our dollars to have the most efficient defense systems imaginable. I think that the provisions of this amendment will provide us with adequate opportunities to analyze why we are experiencing cost overruns, and it will also put those officials who are responsible for these overruns in a position of accounting for them.

This is the kind of legislation that the people of this country, I feel, are looking forward to, and this will make a major difference in our defense efficiency.

Mr. DICKINSON. Mr. Speaker, I will be very pleased to yield to the gentleman from Illinois (Mr. O'BRIEN) for a question.

Mr. O'BRIEN. Mr. Speaker, I thank the gentleman for yielding.

I think the gentleman from California moments ago said it quite well; instructing conferees, in my judgment, is a little bit like an injunction. It is an extraordinary remedy to be used only very rarely, and not in this instance.

It seems to me that any signals intended to influence our House conferees have certainly been made clear in this Chamber this afternoon. I think the real issue is that we should not deliberately strengthen the hand of the other side in debate in conference with our conferees. Candidly, I believe that ours are more knowledgeable. For that reason, I would vote again to open the debate, as I did early on, but I oppose the Schroeder amendment on the merits.

Mr. DICKINSON. I thank the gentleman.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I thank the gentleman for yielding.

I voted against tabling because I believe discussion should occur. But I will vote against instructing conferees. In doing so I want my colleagues to know that for myself, in voting that way, I still support the Nunn amendment idea. I just simply generally object to instructing conferees.

Mr. DICKINSON. I thank the gentleman.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding. My question is, does the Nunn amendment cover military construction? We have had evidence in Arnold Engineering in Tennessee of a very serious cost overrun. Would that type of thing be covered by the language of the Nunn amendment?

Mr. DICKINSON. Initially, I thought this was not the case, but in rereading the language I see it covers not only 50 major weapons systems, but also covers military construction that goes in connection with that weapon system, so it would cover that.

Mr. REGULA. My second question is, are the provisions on page 66 of the bill, do they provide an opportunity for the Secretary of Defense to certify that under some conditions the moratorium would not lie?

Mr. DICKINSON. My understanding is, if he complies with the mandate as set out, then the automatic triggering or interruption of work and obligation of funds would not apply. On his failure to do that, to do all of these things that are set out, then it would apply and there would be interruption.

Mr. REGULA. In the negotiations in the conference, would the gentleman propose to expand, to insure that we include military construction in every aspect of it?

Mr. DICKINSON. Oh, yes, very definitely.

Mr. REGULA. I thank the gentleman.

Mr. DICKINSON. Mr. Speaker, in the remaining minute, let me point out again two of the most salient features I think that are involved here. First, this amendment was offered in the other body, according to the record, as a floor amendment with no hearings. It took everyone by surprise according to the conversation we had in our conference. No one really had an opportunity to study what it does, as we have had since.

I do not object to the purpose for which it was offered. We have been working toward the same end. What I do object to is, in the midst of our conference, after 3 weeks of it, we are down to what I consider and what I hope to be the last day, we are negotiating in good faith with the Senate, I think that we have worked out a compromise, but here in the last minute and the last day of the conference to have my House instruct our conferees that we no longer have confidence in us to go in and represent the House position and to work the will of the House, to exercise our own judgment, but we must succumb to the mandate of the other body and accept what they admittedly have not even studied, that we are bound to accept that, I think is just really exceeding the bounds of propriety and good sense here.

I think we are certainly as capable as the other body in coming to a good judgment as to what is needed. We should certainly be able to negotiate if we have legitimate grounds of difference. We should not be denied this opportunity of having in effect the ground cut from under us before we even get the opportunity to negotiate in good faith.

I would hope the motion is not agreed to.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGRICH) for the purpose of debate only.

Mr. GINGRICH. Mr. Speaker, I thank the gentlewoman for yielding.

I hesitate to vote to instruct conferees, but frankly we are drifting toward a national crisis which will unravel our support for national defense because this country will not tolerate cutting the social budget while faced with year after year of horror stories of cost overruns. If you are for national defense you should vote yes to instruct the conferees precisely to send a signal to the Pentagon and to the Secretary of Defense that this Congress is determined to take control of the spending overruns and to bring them under control.

When we are faced with cost overruns which, projected out into the next century, it means that our entire national defense in the year 2020 might be one fighter plane; by 2040 might be one aircraft carrier; by 2070 might be one tank, I think we are faced with a crisis based on phony inflation figures.

□ 1230

All that this amendment does is to require the reporting above the inflation rate. We start with the inflation rate and then add a 15-percent overrun. That is a crucial factor.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Speaker, I would like to agree with my colleague, the gentleman from Georgia (Mr. GINGRICH). It seems to me that this is a very simple proposition by which we are saying to the Defense Department that it must report to the Congress cost overruns.

I cannot believe that at this time of concern for fiscal restraint, on the one hand we would be concerned about waste only in the social and domestic needs programs of this country and not be concerned about any potential waste in the Defense Department.

I join with my colleague, the gentleman from Georgia, and urge the passage of the Schroeder amendment, and I would simply point out that we must gain some kind of control and insight into what is happening in the Defense Department.

Mrs. SCHROEDER. Mr. Speaker, I yield 1 minute, for the purposes of debate only, to the gentleman from Connecticut (Mr. DENARDIS).

Mr. DENARDIS. Mr. Speaker, reference has been made in this debate to Members who have not read the Nunn amendment or who do not fully understand its implications. Let me say to those who have raised those points that there are Members who do their homework and there are Members who are not intimidated by technical jargon and who will not be deterred by arguments raised on a vague appeal to trust those who from their vast experience say it is so.

Escalating of unsupported costs and inflation, predominantly so in defense, is a matter of critical importance to all of us regardless of our committee assignments. It is entirely appropriate and urgently necessary that we support the initiative of the gentlewoman from Colorado (Mrs. SCHROEDER).

Although it is advisory in nature, it is a matter of serious concern. It will express the sense of the House on a critical issue. It is extremely important to set the tone, to mark out limits and begin in earnest our unrelenting effort to control defense costs.

Mr. Speaker, I say to the distinguished gentleman from Alabama (Mr. DICKINSON), who I respect a great deal, that when he asks us not to tie his hands in conference, he gives the impression that there is room for compromise on the issue of controlling cost overruns and waste in defense spending. I feel we must join hands with the Senate on this critically important matter.

Mrs. SCHROEDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I rise in strong support of this amendment.

It is time for this amendment; it is past time for it. This next year is im-

portant to the fiscal integrity of this country, and this amendment strongly supports that effort.

This amendment will strengthen the cost accounting for expensive overruns on military weapon systems. In truth, this amendment will strengthen the military defense of our Nation.

I thank the gentlewoman from Colorado for offering it.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Louisiana (Mr. ROEMER).

I now yield my concluding time to the gentleman from Ohio (Mr. ECKART).

The SPEAKER pro tempore. The gentleman from Ohio (Mr. ECKART) is recognized for 1½ minutes.

Mr. ECKART. Mr. Speaker, I thank the gentlewoman for yielding me this time.

The gentlewoman from Colorado (Mrs. SCHROEDER) and those who have stood in support of this motion to instruct ought to be commended for the foresight with which they have addressed this issue before us today. What we must keep in mind is that this motion today actually strengthens our national defense because we must realize that the Pentagon is not a bottomless pit of cost overruns, and that if we really are interested in getting the most out of our defense dollar, we ought to abandon the idea and the concept of gold-plated weapons systems which do not truly enhance our defense capabilities.

I listened with interest to the arguments of the opponents. All of them said they supported the major thrust of this amendment, yet found our instructions to be objectionable. I heard one Member say, "I am against it, but, heavens, please don't make me do anything about it. This is a problem, but don't make me do anything to correct it." This is ridiculous. If we are not part of the solution, then we become part of the problem.

I heard talk of an adjustment that the opponents will make in the course of the conference committee deliberations. But I am an old fisherman, and when I bring a fish home and give it to my wife and she gets through fileting it, it might taste like a fish and smell like a fish but when she is through gutting it, it sure does not look like a fish anymore. I am afraid that when the conference committee finishes with their adjustments to this fine amendment we would hardly recognize it.

Let us not be misled. All we are talking about is sound fiscal planning. All we are talking about is getting our hands on an item in our budget which will very soon be 30 cents out of every budgetary dollar.

Mr. Speaker, this motion is in order and should be properly approved by a majority of the House.

The SPEAKER pro tempore. All time has expired.

Mrs. SCHROEDER. Mr. Speaker, I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Colorado (Mrs. SCHROEDER).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1982-83

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 257 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 257

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House, without intervening motion and section 401(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, the bill (S. 1193) to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes. It shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the text of the bill H.R. 4814, all points of order against said amendment for failure to comply with the provisions of clause 5, rule XXI are hereby waived, said amendment shall be considered as having been read, and the previous question shall be considered as ordered on said amendment and on the bill to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of S. 1193, it shall be in order to move that the House insist on its amendment to said bill and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the usual 30 minutes, for purposes of debate, to the gentleman from Missouri (Mr. TAYLOR), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 257 is the rule which provides for the consideration of S. 1193, the 1982, 1983 authorization bill for the State Department, the International Communication Agency, and the Board for International Broadcasting. The rule would permit consideration of S. 1193 in the House but would make in order a motion to strike the text of the bill and insert, in lieu thereof, the language of H.R. 4814, a clean bill introduced by members of the Committee on Foreign Affairs.

Mr. Speaker, among other provisions, the rule waives section 401(a) of

the Budget Act which would otherwise lie against S. 1193. Section 401(a) provides that it shall not be in order to consider any bill which provides new contract or new borrowing authority unless that bill also provides that such new spending authority is to be effective for any fiscal year, only to the extent or in such amounts as are provided in advance in appropriations acts. Section 808 of S. 1193 would grant the Director of the International Communication Agency the authority to enter into insurance contracts. It does not, however, limit that authority to amounts provided in advance in appropriations acts. Such a provision violates section 401(a) of the Budget Act and requires a waiver granted by the Rules Committee. Since the committee's amendment as proposed in H.R. 4814 does not contain a similar provision, the Rules Committee has determined that a waiver should be granted in order to facilitate the consideration of the amendment put forth by the Committee on Foreign Affairs. The Budget Committee supports this waiver.

Mr. Speaker, a waiver of clause 5 of rule XXI is also provided in House Resolution 257. Clause 5 of rule XXI prohibits appropriations in authorization bills. There are some provisions in H.R. 4814, the committee substitute, which might be interpreted as reappropriating funds presently available to these agencies or else may constitute a transfer of funds from one account to another, both of which are prohibited by clause 5 of rule XXI. The waiver of this rule by House Resolution 257 is the same waiver provided under a previous rule which enabled a substantially similar bill, H.R. 3518, to be considered by the House.

Mr. Speaker, as I previously stated, House Resolution 257 permits consideration of S. 1193 in the House, but makes in order a motion to insert the language contained in H.R. 4814 in lieu of the text of the bill passed by the other body. Mr. Speaker, this resolution also provides that the previous question will be considered as ordered on the final passage of both the amendment and the bill, thereby precluding the offering of any other amendments. This rule does not specify time for debate but, since the bill will be considered in the House, it will be debated under the hour rule. The floor manager for the bill will control and allocate time.

Mr. Speaker, the members of the Rules Committee are fully aware that House Resolution 257 is a variation of the usual rule recommended by the committee. There are, however, compelling reasons for adoption of this special order. The clean bill, H.R. 4814, which will be adopted as a committee amendment, parallels an earlier bill, H.R. 3518, previously considered by the House. H.R. 4814 contains all of

the amendments approved by the House during debate on H.R. 3518 but makes reductions to the individual authorizations. The authorization levels contained in the bill are those levels recommended by the administration.

Mr. Speaker, many of the issues raised by this legislation have been fully debated under the normal procedures of the House in connection with the earlier consideration of H.R. 3518. A compromise has been fashioned by those responsible for managing this legislation and the administration which is reflected in H.R. 4814. The rule before us will allow for sufficient debate on this compromise proposal. Moreover, it protects the rights of the opponents by providing for a motion to recommit with or without instructions while allowing the House to move expeditiously to an up-or-down vote on the compromise.

Mr. Speaker, the Committee on Foreign Affairs should be commended for its prompt response to the wishes of a majority of this House. Adoption of House Resolution 257 will expedite swift enactment of this authorization bill. This rule makes in order a motion to insist on the House amendment and to request a conference with the other body. Mr. Speaker, I strongly believe that House Resolution 257 adequately balances the need for open debate on the issues with an equally compelling need to manage the legislative time of the House. I urge its adoption.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Resolution 257 provides for the consideration of S. 1193, the State Department authorization bill for 1982 and 1983, in the House.

This rule sets the parliamentary stage for House consideration of an amendment, H.R. 4814, that has been agreed upon by our bipartisan leadership and reflects the budgetary wishes of the Reagan administration.

I want to point out, as the gentleman from Massachusetts (Mr. MOAKLEY) has explained, that this is a closed rule. It is a closed rule because of the parliamentary situation we find ourselves in with respect to the State Department authorization bill.

I do not ordinarily favor closed rules, regardless of the content of the legislation at hand or the complexity of the legislative process, and I would not urge adoption of this rule today were it not for the fact that our bipartisan leadership asked the Rules Committee to baptize this procedure and we did.

This is an unusual procedure, fashioned by the Rules Committee to fit an unusual situation. I certainly do not think it will become a customary procedure in situations where the House defeats legislation in one instance and then revives a measure in a different vehicle.

The rule allows the House to take up the bill, S. 1193, and to consider it in the House under the 1-hour rule without intervening motion. For this procedure, a waiver of section 401(a) of the Budget Act is necessary and is provided in House Resolution 257.

Section 401(a) of the Budget Act prohibits consideration of a bill authorizing new spending authority for a fiscal year not provided for in advance in an appropriation act. Since the Senate bill does violate this section, the waiver is provided.

The rule makes in order a motion to insert the bill H.R. 4814 in lieu of the Senate-passed bill. This motion requires a waiver of clause 5 of rule XXI, and the waiver is provided in the rule.

Clause 5 of rule XXI prohibits appropriations in a legislative bill, and the waiver is necessary because several paragraphs of the agreed-upon amendment, H.R. 4814, may constitute appropriations in a legislative bill.

In addition, the rule provides that H.R. 4814 be considered as read; and that the previous question be considered as ordered.

For those Members who may question the use of this procedure, or who may not like the fact that no amendments will be in order, the rule provides one motion to recommit with or without instructions.

The Members will recall that we defeated the State Department authorization bill on September 17, because it authorized more appropriations in 1983 than the administration wanted.

An agreement has been reached, we were told in the Committee on Rules, between the Foreign Affairs Committee leadership, the House leadership, and the administration on the figures contained in the amendment, H.R. 4814.

If the House sees fit to ratify this agreement, the rule makes in order a motion to insist on the House amendment to S. 1193 and request a conference with the other body.

Mr. Speaker, I would simply say that I support this rule for this particular situation, the Committee on Rules supports this rule, and I hope the House will do likewise.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI), a member of the Committee on Foreign Affairs.

□ 1245

Mr. DERWINSKI. First, may I say to the gentleman from Missouri and the gentleman handling the bill on the majority side that I was not on the floor when you went through the technical explanation. I thought we would have a vote on the Schroeder-Dickinson waltz and, therefore, I arrived a bit late.

But I do understand that the rule provides for a motion to recommit

with or without instructions. Despite my loyalty to the administration and my personal loyalty to the distinguished minority leader, I will be offering a motion to recommit since I am opposed to the bill in its present form.

However, my motion to recommit is a work of art, and it will enable all of you, upon the adoption of the motion to recommit, to vote for the bill.

I think at this point a little legislative history to clarify the rule is in order. If my colleagues will recall, this bill was on the floor 5 weeks ago, subject to normal processes, debate, amendment, and then at the last minute I think the polite word would be it was innocently boobytrapped.

I voted for the bill and at the time we brought the bill to the floor we were not aware, we being the members specifically of the subcommittee and the full Committee on Foreign Affairs, we were not aware that the figures authorized under the bill were out of line with new budget requests. We had not been so advised. In fact, the very morning that bill was rejected, I had checked with the Department of State, which I understand is part of this administration, and I was told that the figures in the bill authorized for 1982 and 1983 were acceptable. They had no questions.

What has happened since then is there have been adjustments in the budget figures which I understand and appreciate. But let me just point out what has happened and then tell you how my motion to recommit under this rule, necessarily restricted rule, will serve a useful purpose.

Basically what I intend to do is to increase the funds for the International Communications Agency and the Board for International Broadcasting which is Radio Free Europe and Radio Liberty. Yet, with the figures I propose, they will still be below the figures in the bill that was rejected 5 weeks ago.

The only figures in the new budget requests that exceed the old bill are those for international organizations and conferences. It therefore seemed to me logical to trim those.

So, what I am going to be doing is cutting approximately \$57 million over the 2-year period from international organizations and conferences, \$23 million from the Department of State, and transferring those funds to the Board for International Broadcasting and to the International Communications Agency. The totals in the measure will remain the same.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. CONABLE. I would like to understand what the gentleman is suggesting would be cut. Surely the gentleman is not suggesting that he would

cut the exchange programs that have been so long standing?

Mr. DERWINSKI. Just the opposite.

Mr. CONABLE. The gentleman would not cut those?

Mr. DERWINSKI. No.

Mr. CONABLE. I am referring particularly to the program whereby foreign visitors coming to this country are entertained by volunteers throughout the country.

Mr. DERWINSKI. Right. That program is under the ICA, which I would increase.

Mr. CONABLE. The gentleman would increase those figures?

Mr. DERWINSKI. Yes.

Mr. CONABLE. My understanding was the gentleman would be cutting back on some of these.

Mr. DERWINSKI. No; I am cutting back just very minutely, \$10 million each year, from the Department of State, which is less than one-tenth of 1 percent of their budget, and \$57 million over 2 years from international organizations and international conferences. I leave those figures above the original budget request of last spring.

What I restore are the funds to the International Communications Agency, a total over the 2-year period of \$64 million. That would cover the Voice of America, cultural exchange programs, the program the gentleman referred to, and a variety of other items.

Frankly, Mr. Speaker, if this bill had passed 5 weeks ago and the administration had come in as they then did with adjusted recommendations, much of it could be handled in conference, which it will be anyway. But since we are brought back to the firing line, I do think the House has to serve notice, which I believe to be the intent of the House, that we do not hurt the broadcasts, Radio Free Europe, Radio Liberty, and we give the International Communications Agency its proper assignment which has been mandated by the administration to undertake a new responsibility for U.S. overseas information.

The motion that I will offer will actually help our conferees, help the administration, help the Department of State, help in working out a better bill when we finally meet with our Senate counterparts which hopefully will be early next week. Then, given the new interest of all of the Members, including some of my good friends on my side who are belatedly discovering the virtues of foreign aid and, therefore, are going to become proper internationalists and not only support the motion to recommit but then support the final passage, in 2 weeks we will give you an opportunity to write a proper bill to continue our overseas economic and military cooperation with other countries.

So this is the start of a new enlightened era in which I appeal for practical support and understanding of all of my colleagues, especially those who innocently were misdirected when this bill was first on the floor.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes for purposes of debate only to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Speaker, this debate is an opportunity to talk about an issue that will perhaps not be debated when the bill itself is debated, but which probably should be mentioned as many times as we can possibly mention it on the floor. I can see that we have the distinguished minority leader and my good friend Mr. MICHEL here, and also the ranking minority member of the Foreign Affairs Committee.

I raise this not so much because I have an answer to it, but I suppose really because all those people out there reading the front pages of the newspapers probably wonder what in the world we are doing even talking about foreign affairs or the State Department without discussing the dreadful issue, I think, of American pilots reportedly flying in Libyan aircraft in a variety of missions.

I realize this is not an easy issue to address legislatively. Apparently the Senator in the other body from Ohio, Mr. GLENN, introduced an amendment expressing the sense of the Congress that this kind of thing should not be done. I know it is probably much more difficult when you get into the specifics. I want to acknowledge also that our great chairman of the Foreign Affairs Committee is here and I look for him to give us some leadership on this as well as some advice.

I know it is difficult. But we do have the facts in these articles. They have apparently been checked out. We do know the following things:

Dozens of pilots and mechanics have been brought over to Libya to fly and repair Libyan Air Force planes in a 2-year-old recruitment scheme.

Recruiting and other aspects of the operation are coordinated out of London and Tripoli under the direction of a former CIA agent, Edwin P. Wilson.

One recruit claims U.S. pilots flew helicopters in support of the Libyan invasion of Chad.

The same source claimed he was paid about \$3,000 per month for his services.

Apparently recruiting is going on within our own country, within the United States.

Mr. Wilson himself, along with a former Washington businessman named Schlacter, and Francis Terpil, a former CIA agent, have been indicted

for their activities in transporting explosives to Libya, and for training terrorists in Libya.

The FBI has been investigating the recruitment scheme they say, and yet the article in the Times says their role apparently violates no U.S. law.

The assistant U.S. attorney for the District of Columbia is overseeing the invasion, according to the Times. He said:

The neutrality laws which prohibit Americans from enlisting in the military service of a foreign nation apparently do not cover the recruitment scheme organized by Mr. Wilson.

The article from the Times reads:

AMERICAN PILOTS REPORTED FLYING IN LIBYAN FORCES

(This article is based on reporting by Jeff Gerth and Philip Taubman and was written by Mr. Gerth.)

LONDON, October 21.—American pilots and aircraft mechanics, including military veterans, are flying and maintaining Libyan Air Force planes in an operation organized by Edwin P. Wilson, a former American intelligence agent, according to associates of Mr. Wilson.

The American flight personnel, as well as pilots from Canada and Britain, have been recruited and paid by companies controlled by Mr. Wilson and, at least since last year, have flown a Libyan fleet of American-made cargo and transport aircraft and helicopters, the associates said.

One Western pilot recruited by Mr. Wilson said that American pilots flew helicopters in support of the Libyan invasion of Chad this year, but the extent to which Western recruits are involved directly in Libyan combat missions could not be determined. The pilot said he was paid about \$3,000 a month.

COORDINATION IN LONDON

Some of the American pilots and mechanics have been recruited in the United States by other Americans. Most of the operation is coordinated through a London office that represents several African and European companies controlled by Mr. Wilson, according to his associates.

Dozens of pilots and mechanics have participated in the operation for Libya, a militant Arab nation in North Africa, although the precise number could not be determined. Their role apparently violates no United States law.

Earlier this week, an American aircraft mechanic, Richard L. Love, visited the London office, waiting for a visa and airplane connections to Libya. Mr. Love told a former Wilson associate that he had been recruited in Alabama and had signed a one-year contract to service Libyan military aircraft, according to the former associate.

RECRUITS HELD WELL PAID

Mr. Love said he and the other recruits were well paid for their services but was not specific, the associate added.

Mr. Wilson, a former covert agent for the Central Intelligence Agency, now lives in Libya, where he is a fugitive from a Federal indictment last year that charged him with illegally shipping explosives to Libya to help train terrorists.

Mr. Wilson did not return a telephone call placed today to his office in Tripoli. A reporter left a message with an associate of Mr. Wilson seeking a reply to questions about the pilot recruitment program.

The unofficial involvement of Americans in Libyan military activity contrasts sharply with United States foreign policy toward the Arab nation, led by Col. Muammar el-Qaddafi. Recent Administrations have regarded Libya, a supporter of international terrorism, as an increasingly disruptive force in the Middle East.

Last summer, the United States reported that two Navy jets had shot down two Libyan fighter planes after being fired on by one of them.

After the assassination of President Anwar el-Sadat of Egypt this month and amid reports of hostile Libyan activity against the Sudan, the Reagan Administration sent two AWACS radar surveillance planes to Egypt to monitor Libyan aircraft activity in the area.

American officials said the presence of American pilots and mechanics in Libya helped explain what until now had been a mystery to them: who was maintaining the American planes that were sold to Libya years ago, when that country's relationship with the United States was not belligerent. Past speculation had centered on North Koreans and others from Communist countries.

A White House spokesman had no immediate comment today on whether high-level Reagan Administration officials were aware that Americans were flying and maintaining planes for the Libyan Air Force, although law enforcement officials knew of the recruitment operation.

The involvement of the Americans in Libya does not appear to violate American law, according to Justice Department officials.

E. Lawrence Barcella, Jr., Assistant United States Attorney for the District of Columbia, is overseeing the Federal investigation of Mr. Wilson. He said the neutrality laws, which prohibit Americans from enlisting in the military service of a foreign nation, apparently do not cover the recruitment scheme organized by Mr. Wilson.

FBI INQUIRY ON RECRUITING

Federal law enforcement officials say that, nevertheless, earlier this month the Federal Bureau of Investigation began a full investigation of the recruitment operation.

The recruitment of western pilots and mechanics is the first current operation of Mr. Wilson to emerge publicly. In last year's indictment and other reports, details were disclosed about Mr. Wilson's private business activities in 1976 and 1977, his help in training terrorists in Libya by shipping explosives and his hiring of former Army Special Forces troops for the training operation.

The recruitment of former military aircraft personnel illustrates for American law enforcement officials some of the same issues posed by Mr. Wilson's earlier activities, especially the lack of laws governing the private business activities of former American servicemen and intelligence agents. It also demonstrates Mr. Wilson's capacity to continue to operate within the United States even though he has been out of the country for several years.

HOUSE PANEL SEEKS REMEDIES

The House Select Committee on Intelligence is considering possible legislative remedies as part of its investigation into Mr. Wilson's activities.

In 1976 shortly after ending his employment with the Office of Naval Intelligence, which he had joined after leaving the C.I.A., Mr. Wilson closed a business deal with Colonel Qaddafi to sell his expertise in intelli-

gence, arms and explosives to Libya for the training of terrorists.

A few years later, after Federal investigators began examining his activities in the United States, Mr. Wilson shifted his base of business operations from Washington to Europe and Libya. About the same time, several companies controlled by Mr. Wilson began using the London office of Brillhurst Ltd., a British company, according to associates of Mr. Wilson and company documents.

SCOPE OF RECRUITING PROGRAM

The recruitment program, which started about two years ago, includes dozens of pilots, flight engineers and aircraft mechanics from the United States, Britain and Canada with both civilian and military backgrounds, according to associates of Mr. Wilson familiar with the plan. Among those recruited were British paratroopers.

According to spokesmen for American aircraft companies, the Libyan Air Force has eight C-130's, 20 CH-47 helicopters, known as Chinooks, 10 727's, nine C-47's and one 707.

Western diplomatic sources have said that many of the Libyan pilots flying military aircraft are inexperienced, and a report of the London-based International Institute for Strategic Studies notes that Soviet, Pakistani and Palestinian pilots also fly Libyan military aircraft.

Federal law enforcement officials said that the F.B.I. and Scotland Yard had been aware for some time of Mr. Wilson's recruitment operations in London but that an active investigation was not undertaken until recently because officials placed a greater priority on apprehending Mr. Wilson on the 1980 charges.

CHECK BY SCOTLAND YARD

Earlier this year, for example, Scotland Yard checked a report that Mr. Wilson, a fugitive since April 1980, was staying at a fashionable London hotel, according to a former Wilson associate. That inquiry turned up nothing, but two former London associates of Mr. Wilson, David and Anne Shortt, said they saw him last spring in the departure lounge of London's Heathrow Airport bound for Geneva.

Because most of the actual work done by the American recruits takes place in Libya and their finances and travel plans are arranged in London, American authorities originally concluded that they had little legal jurisdiction to investigate the scheme. They said they were aware that Mr. Wilson had been recruiting former military personnel in the United States for "mercenary type" work in Libya and that this would be the focus of the recently begun investigation of Mr. Wilson's current activities.

Diana Byrne, who met Mr. Wilson in Libya several years ago and who says she controls Brillhurst, declined to talk about her activities on behalf of Mr. Wilson. In a brief interview outside Brillhurst's current office, at 28 Knox Street, Mrs. Byrne, a native of Wales, described Brillhurst as a "service company" that represents several European companies, many of which operate in Libya. When asked specifically about her work on behalf of Mr. Wilson and his companies, Mrs. Byrne terminated the conversation.

COORDINATION IN LONDON

But several businessmen in London who have worked with Mrs. Byrne and Mr. Wilson's companies said that Brillhurst appeared to operate as the London branch of Mr. Wilson's businesses. Among the specific activities cited by those sources and docu-

mented in company papers are: payment of travel expenses and salaries of pilots working in Libya, obtaining Libyan visas for persons doing business with Mr. Wilson and his companies, managing his investments and handling his telephone, mail, telex and telegram messages.

In the last three years, Brillhurst has operated out of four separate London locations, often moving abruptly and functioning in a secretive fashion, the business associates added.

J. Steffan, an exporter who rented office space to Brillhurst at 18 Hans Road, in a fashionable section of London near Hyde Park and across from Harrods department store, said the company departed abruptly one weekend in July 1980 and still owed him several thousand dollars in back rent.

MYSTERIOUS OPERATIONS

Angela O'Toole, who rented office space in the Halkin Arcade to Brillhurst until December 1980 said Brillhurst personnel had operated mysteriously, sending coded telex messages and removing typewriter ribbons before leaving the office.

Both former landlords said they often saw Western pilots who had just arrived in London waiting at Brillhurst's offices for Libyan visas or for flights to Libya.

Further details on the pilot program were provided by other associates of Mr. Wilson. They said that two of the companies used by Mr. Wilson to pay and recruit the aircraft personnel were OSI S.A., a Swiss corporation that serves as a Tripoli office for Mr. Wilson, and Western Recruitment Inc., which has a Swiss post office box number. Both of these companies currently operate in London out of Brillhurst's office on Knox Street, according to a travel agent who booked flights to Libya for OSI S.A. and Mrs. Byrne, who acknowledged handling banking affairs for Western Recruitment.

Mr. Love, the aircraft mechanic from Alabama who was in London earlier this week on his way to Libya, spoke of being recruited in the United States, according to a former Wilson associate. Mr. Love answered the door at Brillhurst's Knox Street offices but declined to speak to a reporter. Shortly thereafter, an Arab driver pulled up to Brillhurst's offices and handed Mrs. Byrne what looked like an American passport and a Libyan visa.

As one not on the Foreign Affairs Committee but one who has a lot of respect for the people on it on both sides of the aisle, I just ask can we not do something to address this issue in some way? Perhaps it is through the State Department's responsibility for protection of Americans overseas. We have got to do something. We must respond to this.

I know my friend from Massachusetts (Mr. MARKEY) has a bill relating to Libya and trade with Libya and oil and whether we cut off oil. The gentleman from New York (Mr. DOWNEY) has a bill to stop using Libyan oil, which I support. But can we not start somewhere and be assured that maybe it is the Intelligence Committee or the Foreign Affairs Committee that is going to look into this matter and at least assure the American public that we are taking some steps within the Constitution, within the parameters under which we work to address this problem of Americans helping a

regime which is exporting revolution around the world.

I yield back the balance of my time.
Mr. MOAKLEY. Mr. Speaker, I have no further requests for time.

I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FASCELL. Mr. Speaker, pursuant to House Resolution 257, I call up the Senate bill, S. 1193, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEPARTMENT OF STATE

SHORT TITLE

SEC. 101. This title may be cited as the "Department of State Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 102. (a) There are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, the following amounts:

(1) For "Administration of Foreign Affairs", \$1,318,754,000 for the fiscal year 1982 and \$1,248,059,000 for the fiscal year 1983.

(2) For "International Organizations and Conferences", \$523,806,000 for the fiscal year 1982 and \$514,436,000 for the fiscal year 1983.

(3) For "International Commissions", \$22,508,000 for the fiscal year 1982 and \$22,432,000 for the fiscal year 1983.

(4) For "Migration and Refugee Assistance", \$560,850,000 for the fiscal year 1982 and \$467,750,000 for the fiscal year 1983, of which not less than \$18,750,000 shall be made available only for the resettlement of Soviet and Eastern European refugees in Israel.

(b) Of the amounts authorized to be appropriated by section 102(a)(1) of this Act for the fiscal years 1982 and 1983, \$2,085,000 shall be available for each such fiscal year only for expenses to operate and maintain consular posts at Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia.

(c) Of the amounts authorized to be appropriated by section 102(a)(2) of this Act, \$45,800,000 shall be available in fiscal year 1982 and \$45,800,000 shall be available in fiscal year 1983 only for the Organization of American States for the payment of 1982 and 1983 assessed United States contributions and to reimburse the Organization of American States for payments under the tax equalization program to employees who are United States citizens.

(d) Of the amounts authorized to be appropriated by section 102(a)(4) of this Act, \$1,500,000 shall be available in fiscal year 1982 and \$1,500,000 shall be available in fiscal year 1983 only for the International Committee of the Red Cross to support the

activities of the protection and assistance program for "political" detainees.

PALESTINIAN RIGHTS UNITS

SEC. 103. Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise for the Inalienable Rights of the Palestinian People (or any similar successor entity), and

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity).

RESTRICTION OF FUNDS TO UNITED NATIONS WHICH WOULD PROVIDE POLITICAL BENEFITS TO THE PALESTINE LIBERATION ORGANIZATION

SEC. 104. (a) None of the funds authorized to be appropriated under paragraph (2) of section 102 of this Act may be used for payment by the United States toward the assessed budget of the United Nations, or any of its specialized agencies, which would cause the total contribution of the United States to exceed its assessed contribution less 25 percent of the amount budgeted by such agency for projects of which the primary purpose is to provide political benefits to the Palestine Liberation Organization or entities associated with it.

(b) The President shall annually review the budget of the United Nations, and of its specialized agencies, to determine which programs have the primary purpose of providing political benefit to the Palestine Liberation Organization and shall report to Congress the programs and amounts for which the United States assessment is withheld.

(c) This section shall not be construed as limiting United States contributions to the United Nations, or its specialized agencies for programs for which the primary purpose is to provide humanitarian, educational, developmental and other nonpolitical benefits to the Palestinian people.

EX GRATIA PAYMENT

SEC. 105. Of the amount appropriated for the fiscal year 1982 under paragraph (1) of section 102 of this Act, \$81,000 shall be available for payment ex gratia to the Government of Yugoslavia as an expression of concern by the United States Government for the injuries sustained by a Yugoslav national as a result of an attack on him in New York City.

BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

SEC. 106. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated to the Secretary of State \$3,700,000 for the fiscal year 1982 and \$3,700,000 for the fiscal year 1983 for payment of the United States share of expenses of the science and technology agreements between the United States and Yugoslavia and between the United States and Poland.

PASSPORT FEES AND DURATION

SEC. 107. (a) The first sentence of section 1 under the headings "FEES FOR PASSPORTS AND VISAS" of the Act of June 4, 1920 (22 U.S.C. 214), is amended to read as follows: "There shall be collected and paid into the Treasury of the United States a fee, pre-

scribed by the Secretary of State by regulation, for each passport issued and a fee, prescribed by the Secretary of State by regulation, for executing each application for a passport."

(b)(1) Section 2 of the Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 217a), is amended to read as follows:

"SEC. 2. A passport shall be valid for a period of ten years from the date of issue, except that the Secretary of State may limit the validity of a passport to a period of less than ten years in an individual case or on a general basis pursuant to regulation."

(2) The amendment made by this subsection applies with respect to passports issued after the date of enactment of this Act.

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW AND THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

SEC. 108. Section 2 of the joint resolution entitled "Joint Resolution to provide for participation by the Government of the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor", approved December 30, 1963 (22 U.S.C. 269g-1), is amended by striking out "except that" and all that follows through "that year".

PAN AMERICAN RAILWAY CONGRESS

SEC. 109. Section 2(a) of the joint resolution entitled "Joint Resolution providing for participation by the Government of the United States in the Pan American Railway Congress, and authorizing an appropriation therefor", approved June 28, 1948 (22 U.S.C. 280k), is amended by striking out "Not more than \$15,000 annually" and inserting in lieu thereof "Such sums as may be necessary".

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

SEC. 110. Paragraph (1) of the first section of Public Resolution 42, Seventy-fourth Congress, approved August 2, 1935 (22 U.S.C. 273), is amended by striking out "not to exceed \$200,000 annually."

INTERNATIONAL ORGANIZATIONS IN VIENNA

SEC. 111. Amend section 2 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287e) by adding at the end thereof the following new subsection:

"(h) The President, by and with the advice and consent of the Senate shall appoint a representative of the United States to the Vienna office of the United Nations with appropriate rank and status who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. Such person shall, at the direction of the Secretary of State, represent the United States at the Vienna office of the United Nations, and perform such other functions there in connection with the participation of the United States in international organizations as the Secretary of State from time to time may direct."

LIVING QUARTERS FOR THE STAFF OF THE UNITED STATES REPRESENTATIVE OF THE UNITED NATIONS

SEC. 112. Section 8 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287e), is amended:

(1) by striking "the representative of the United States to the United Nations referred to in paragraph (a) of Section 2 hereof" and inserting in lieu thereof "the representatives provided for in Section 2 hereof and of their appropriate staffs", and

(2) by adding at the end thereof the following: "Any payments made by the United States Government personnel for occupancy by them of such leased or rented premises shall be credited to the appropriation, fund, or account utilized by the Secretary for such lease or rental, or to the appropriation, fund, or account currently available for such purposes."

BUYING POWER MAINTENANCE FUND

SEC. 113. (a) Section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)), is amended to read as follows:

"(b)(1) In order to maintain the levels of program activity provided for each fiscal year by the annual authorizing legislation for the Department of State, \$20,000,000 of the fund authorized by section 102 may be used to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, which occur after November 30 of the calendar year preceding the enactment of the authorizing legislation for such fiscal year.

"(2) In order to eliminate substantial gains to the approved levels of overseas operations, the Secretary of State shall transfer to the appropriation account established under paragraph (1) of this subsection such amounts in other appropriation accounts under the heading "Administration of Foreign Affairs" as the Secretary determines are excessive to the needs of the approved level of operations because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

"(3) Funds transferred from the appropriation account established under paragraph (1) shall be merged with and be available for the same purpose, and for the same time period, as the appropriation account to which transferred; and funds transferred to the appropriation account established under paragraph (1) shall be merged with and available for the purposes of that appropriation account until expended. Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of State that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels."

(b) Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended by striking out "preceding" and inserting in lieu thereof "calendar year preceding the enactment of the authorizing legislation for such".

(c) Section 8(a)(2) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2287(a)(2)) is amended by striking out "preceding" in the first sentence and inserting in lieu thereof "calendar year preceding the enactment of the amendments to paragraph (1) which provide the authorization for such".

(d) The amendments made by this section shall take effect on October 1, 1981.

ASIA FOUNDATION

SEC. 114. In addition to the amounts authorized by section 102, \$4,500,000 is authorized to be appropriated in fiscal year 1982 for the Asia Foundation in furtherance of that organization's purposes as described in its charter. Such funds are to be made available to the Foundation by the Department of State in accordance with the terms and conditions of a grant agreement to be nego-

tiated between the Department of State and the Asia Foundation. Funds appropriated under this section are authorized to remain available until expended.

INTER-AMERICAN FOUNDATION

SEC. 115. (a) Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)) is amended to read as follows:

"(2) There is authorized to be appropriated not to exceed \$12,000,000 for the fiscal year 1982 to carry out the purposes of this section. Amounts appropriated under this paragraph are authorized to remain available until expended."

(b) Section 401(h) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(h)) is amended to read as follows:

"(h) Members of the Board shall serve without additional compensation, but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code, while engaged in their duties on behalf of the corporation."

DEPENDENT TRAVEL

SEC. 116. (a)(1) The first sentence of section 5924(4)(B) of title 5, United States Code, is amended by striking out "American secondary or" and inserting in lieu thereof "American secondary education or, in the case of dependents of an employee other than an employee of the Department of State or the International Communication Agency, to obtain an American."

(2) Section 5924 of such title is amended—
(A) by inserting "(a)" immediately before the first sentence; and

(B) by adding at the end thereof the following:

"(b)(1) An employee of the Department of State or of the International Communication Agency in a foreign area is entitled to the payment of the travel expenses incurred by the employee in connection with the travel of a dependent of the employee to or from a school for the purpose of obtaining an undergraduate college education."

"(2) Paragraph (1) shall apply—

"(A) to two round trips each calendar year, and

"(B) to travel expenses which—

"(i) are extraordinary and necessary expenses incurred in providing adequate education for such dependent because of the employee's service in a foreign area or areas, and

"(ii) are not otherwise compensated for."

(b) The amendments made by subsection (a) shall take effect on October 1, 1981.

DUTIES OF CHIEF OF MISSION

SEC. 117. (a) Each chief of diplomatic mission of the United States in a foreign country shall have as a principal duty the promotion of United States goods and services for export to such country.

(b) For purposes of subsection (a), the term "chief of diplomatic mission" has the same meaning as given to the term "chief of mission" in section 102(a)(3) of the Foreign Service Act of 1980.

INFANT NUTRITION

SEC. 118. (a) Congress finds there is overwhelming scientific evidence that breastfeeding has substantial advantages for infant health and growth, that it offers an uncontaminated food supply, an early transfer of antibodies protective against infectious diseases, and a naturally evolved and tested nutritional source, and that it is an important factor in bonding between mother and child.

(b) Congress is concerned that numerous studies, in a wide variety of developed and

developing countries, over a long period of time, have shown that improper use of breastmilk substitutes is associated with higher rates of illness and death, and in poor communities, with lessened growth and nutrition. The problem of unrefrigerated breastmilk substitutes prepared with polluted water and placed in contaminated bottles is further complicated by insects and heat in tropical climates.

(c) It is estimated that one hundred million of the one hundred and twenty-five million children in the world below the age of one are born in developing countries. Congress is concerned that ten million of these one hundred million will probably not live until their first birthday and that diarrhea and other infectious diseases, when combined with the problems of malnutrition, account for more than half of these deaths.

(d) Congress is further concerned that the health of those infants whose mothers are unable to provide them adequate breastmilk—whether for physical, economic, or cultural reasons—also be protected.

(e) Congress is concerned with the negative vote cast by the United States on May 21, 1981, at the Twenty-Fourth World Health Assembly of the World Health Organization on the "International Code of Marketing of Breastmilk Substitutes", and is further concerned that the vote has subjected United States policy to widespread misinterpretation.

(f) Therefore, the Congress—

(1) reaffirms the dedication of the United States to the protection of the lives of all the world's children and the support of the United States for efforts to improve world health;

(2) endorses the work being done by the Agency for International Development (AID), the World Health Organization (WHO), and the United Nations Children's Fund (UNICEF) across the broad front of problems associated with infant and young child nutrition;

(3) encourages the international health organizations, and their member states, to continue combating infant illness by improving sanitation and water quality; and

(4) urges the United States Government and the breastmilk substitute industry to support the basic aim of the Code and to cooperate with the governments of all countries in their efforts to develop health standards and programs designed to implement the objectives of the Code.

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

SHORT TITLE

SEC. 201. This title may be cited as the "International Communication Agency Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 202. There are authorized to be appropriated for the International Communication Agency \$561,402,000 for the fiscal year 1982 and \$482,340,000 for the fiscal year 1983 to carry out international communication, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

CHANGES IN ADMINISTRATIVE AUTHORITIES

SEC. 203. (a)(1) Title III of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1451-1453) is amended—

(A) in section 301 by striking out "citizen of the United States" and inserting in lieu thereof "person"; and

(B) in sections 302 and 303 by striking out "citizen of the United States" and inserting in lieu thereof "person in the employ or service of the Government of the United States".

(2) Such title is further amended—

(A) in section 301—

(i) by striking out "Secretary" the first place it appears and inserting in lieu thereof "Director of the International Communication Agency"; and

(ii) by striking out "Secretary" the second place it appears and inserting in lieu thereof "Director"; and

(B) in section 303 by striking out "Secretary" and inserting in lieu thereof "Director of the International Communication Agency".

(3) Section 302 of such Act is amended—

(A) in the second sentence by striking out "section 901(3) of the Foreign Service Act of 1946 (60 Stat. 999)" and inserting in lieu thereof "section 905 of the Foreign Service Act of 1980"; and

(B) in the last sentence by striking out "section 1765 of the Revised Statutes" and inserting in lieu thereof "section 5536 of title 5, United States Code".

(b) Section 802 of such Act (22 U.S.C. 1472) is amended—

(1) by inserting "(a)" immediately after "Sec. 802."; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) Any contract authorized by subsection (a) and described in paragraph (3) of this subsection which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of five years when—

"(A) appropriations are available and adequate for payment for the first fiscal year; and

"(B) the Director of the International Communication Agency determines that—

"(i) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

"(ii) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

"(iii) such method of contracting will not inhibit small business participation.

"(2) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.

"(3) This subsection applies to contracts for the procurement of property or services, or both, for the operation, maintenance, and support of programs, facilities, and installations for or related to radio transmission and reception, newswire services, and the distribution of books and other publications in foreign countries."

(c) Paragraph (16) of section 804 of such Act (22 U.S.C. 1474(16)) is amended by inserting "and security vehicles" immediately after "right-hand drive vehicles".

(d) Title VIII of such Act (22 U.S.C. 1471-1475b) is amended by adding at the end thereof the following new section:

"ACTING ASSOCIATE DIRECTORS"

"Sec. 808. If an Associate Director of the International Communication Agency dies, resigns, or is sick or absent, the Associate Director's principal assistant shall perform the duties of the office until a successor is appointed or the absence or sickness stops."

(e) Paragraphs (18) and (19) of section 804 of such Act (22 U.S.C. 1476 (18) and (19)) are amended—

(1) by striking out "and" at the end of paragraph (18); and

(2) by striking out the period at the end of paragraph (19) and inserting the following: "; and

"(20) purchase motion picture, radio and television producers' liability insurance to cover errors and omissions or similar insurance coverage for the protection of interests in intellectual property."

(f) Section 1011 of the United States Information and Educational Exchange Act of 1948, as amended, is amended by adding at the end thereof the following new subsection:

"(1) Foreign currencies which were derived from conversions made pursuant to the obligation of informational media guaranties and which have been determined to be unavailable for, or in excess of, the requirements of the United States and transferred to the Secretary of the Treasury, shall be held until disposed of, and any dollar proceeds realized from such disposition shall be deposited in miscellaneous receipts. As such currencies become available for such purposes of mutual interest as may be agreed to by the governments of the United States and the country from which the currencies derive, they may be sold for dollars to agencies of the United States Government."

(g) Title VIII of the United States Information and Educational Exchange Act of 1948, as amended, is revised by the addition of the following section:

"Sec. 809. Cultural exchanges, international fairs and expositions, and other exhibits or demonstrations of United States economic accomplishments and cultural attainments provided for under this Act or the Mutual Educational and Cultural Exchange Act of 1961 shall not be considered 'public work' as that term is defined in section 1 of the Defense Base Act, as amended (section 1651(b) of title 42 of the United States Code)."

LIQUIDATION OF THE INFORMATIONAL MEDIA GUARANTY FUND

Sec. 204. Section 1011(h) of such Act (22 U.S.C. 1442(h)) is amended by adding at the end thereof the following new paragraph:

"(4) Section 701(a) of this Act shall not apply with respect to any amounts appropriated under this section for the purpose of liquidating the notes (and any accrued interest thereon) which were assumed in the operation of the informational media guaranty program under this section and which were outstanding on the date of enactment of this paragraph."

INTERNATIONAL EXCHANGES AND NATIONAL SECURITY

Sec. 205. (a) Congress finds that—

(1) United States Government sponsorship of international exchange-of-persons activities has, during the postwar era, contributed significantly to United States national security interests;

(2) during the 1970's, while United States programs declined dramatically, Soviet exchange-of-persons activities increased steadily in pace with the Soviet military buildup;

(3) as a consequence of these two trends, Soviet exchange-of-persons programs now

far exceed those sponsored by the United States Government and thereby provide the Soviet Union an important means of extending its worldwide influence;

(4) the importance of competing effectively in this area is reflected in the efforts of major United States allies, whose programs also represent far greater emphasis on exchange-of-persons activities than is demonstrated by the current United States effort; and

(5) with the availability of increased resources, the United States exchange-of-persons program could be greatly strengthened, both qualitatively and quantitatively.

(b) It is therefore the sense of Congress that—

(1) United States exchange-of-persons activities should be strengthened;

(2) the allocation of resources necessary to accomplish this improvement would constitute a highly cost-effective means of enhancing United States national security; and

(3) because of the integral and continuing national security role of exchange-of-persons programs, such activities should be accorded a dependable source of long-term funding.

(c) Beginning in fiscal year 1982, exchange-of-persons programs administered by the International Communication Agency shall, over a four-year period, be expanded to a level, in real terms, three times that in effect on the date of the enactment of this Act.

DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED "IN THEIR OWN WORDS"

Sec. 206. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the International Communication Agency shall make available to the Administrator of General Services a master copy of the film entitled "In Their Own Words"; and

(2) the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that film within the United States, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the International Communication Agency.

**TITLE III—BOARD FOR INTERNATIONAL BROADCASTING
SHORT TITLE**

Sec. 301. This title may be cited as the "Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 302. There are authorized to be appropriated for the Board for International Broadcasting \$98,317,000 for fiscal year 1982 and \$98,317,000 for fiscal year 1983.

ADDITIONAL FUNDING

Sec. 303. Notwithstanding the provisions of section 8b of Public Law 93-129, not to exceed \$6,195,000 of the gain realized during fiscal year 1981 through upward fluctuations in foreign currency exchange rates shall be made available to compensate for losses incurred as a result of the bomb explosion at RFE/RL, Inc., Munich headquar-

ters on February 21, 1981, and for additional RFE/RL, Inc., operating expenses as might be deemed appropriate.

MEMBERSHIP OF THE RFE/RL BOARD AND THE BIR

Sec. 304. (a) The Board for International Broadcasting Act of 1973 is amended by adding at the end thereof the following new section:

"MERGER OF THE BOARD FOR INTERNATIONAL BROADCASTING AND THE RFE/RL BOARD"

"Sec. 11. (a) Effective January 1, 1982, no grant may be made under this Act to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

"(1) the Board of Directors of RFE/RL, Incorporated, shall consist of the members of the Board for International Broadcasting and of no other members; and

"(2) such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Incorporated, and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Incorporated, as it deems necessary to carry out the purposes of this Act.

"(b) Compliance with the requirement of paragraph (1) of subsection (a) shall not be construed to make RFE/RL, Incorporated, a Federal agency or instrumentality."

(b)(1) Section 3(b)(1) of such Act is amended to read as follows:

"(b)(1) COMPOSITION OF BOARD.—The Board shall consist of ten members, one of whom shall be an ex officio member. The President shall appoint, by and with the advice and consent of the Senate, nine voting members, one of whom he shall designate as chairman. Not more than five of the members of the Board appointed by the President shall be of the same political party. The chief operating executive of RFE/RL, Incorporated, shall be an ex officio member of the Board and shall participate in the activities of the Board, but shall not vote in the determinations of the Board."

(2) Sections 3(b) (3) and (4) of such Act are amended to read as follows:

"(3) TERM OF OFFICE OF PRESIDENTIALLY APPOINTED MEMBERS.—The term of office of each member of the Board appointed by the President shall be three years, except that the terms of office of the individuals initially appointed as the four additional voting members of the Board who are provided for by the Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983, shall be one, two, or three years (as designated by the President at the time of their appointment) so that the terms of one-third of the voting members of the Board expire each year. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

"(4) TERM OF OFFICE OF THE EX OFFICIO MEMBER.—The ex officio member of the Board shall serve on the Board during his or her term of service as chief operating executive of RFE/RL, Incorporated."

RADIO FREE CUBA

Sec. 305. Any program of the United States Government involving radio broadcasts to Cuba for which funds are authorized to be appropriated under this Act or

any other Act shall be designated as "Radio Free Cuba".

TITLE IV—ARMS CONTROL AND DISARMAMENT AGENCY

SHORT TITLE

SEC. 401. This title may be cited as the "Arms Control and Disarmament Agency Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 402. Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended to read as follows:

"Sec. 49. (a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) for the fiscal year 1982, \$18,268,000 and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates, and

"(2) for the fiscal year 1983, such sums as may be necessary to carry out the purposes of this Act.

Amounts appropriated under this subsection are authorized to remain available until expended."

SECURITY CLEARANCES

SEC. 403. Section 45(a) of the Arms Control and Disarmament Act (22 U.S.C. 2585(a)) is amended by inserting the following new sentence after the second sentence thereof: "In the case of persons detailed from other Government agencies, the Director may accept the results of fullfield background security and loyalty investigations conducted by the Defense Investigative Service or the Department of State as the basis for the determination required under this subsection that the person is not a security risk or of doubtful loyalty."

ANTISATELLITE ACTIVITIES

SEC. 404. Section 31(b) of the Arms Control and Disarmament Act (22 U.S.C. 2571) is amended by striking the "." and inserting the following phrase: "and of all aspects of anti-satellite activities;"

TITLE V—MISCELLANEOUS PROVISIONS

REPEALS; TECHNICAL AMENDMENTS

SEC. 501. (a) The following provisions of law are repealed:

(1) Section 408 of the Act entitled "An Act to authorize appropriations for fiscal years 1980 and 1981 for the Department of State, the International Communication Agency, and the Board for International Broadcasting", approved August 15, 1979 (22 U.S.C. 287c note).

(2)(A) Section 121(b) (22 U.S.C. 1175 note),

(B) section 122(b) (22 U.S.C. 2280 note),

(C) section 203 (22 U.S.C. 1461-1 note),

(D) section 504(e) (22 U.S.C. 2656d(e)),

(E) section 601(b) (92 Stat. 985),

(F) section 603(c) (22 U.S.C. 2656 note),

(G) section 608(c) (22 U.S.C. 2656d note),

(H) section 609(c) (92 Stat. 989),

(I) section 610(c) (22 U.S.C. 2151 note),

(J) section 611(b) (22 U.S.C. 1731 note),

(K) section 613(b) (22 U.S.C. 2370 note),

(L) section 705(a) (22 U.S.C. 2151 note),

(M) section 709 (22 U.S.C. 2151 note), and

(N) section 711 (22 U.S.C. 2220a note),

of the Foreign Relations Authorization Act, Fiscal Year 1979.

(3)(A) Section 107(b) (91 Stat. 846),

(B) section 109(a)(7) (22 U.S.C. 2384 note),

(C) section 414(b) (22 U.S.C. 1041 note),

(D) section 501 (91 Stat. 857),

(E) section 503(b) (91 Stat. 858),

(F) section 505 (22 U.S.C. 2151 note), and

(G) section 513 (19 Stat. 862),

of the Foreign Relations Authorization Act, Fiscal Year 1978.

(4) Section 403 of the Foreign Relations Authorization Act, Fiscal Year 1977 (22 U.S.C. 2871 note).

(5) Sections 102(b) (89 Stat. 756) and 503(b) (89 Stat. 772) of the Foreign Relations Authorization Act, Fiscal Year 1976.

(6) Section 15 of the State Department/USIA Authorization Act, Fiscal Year 1975 (22 U.S.C. 2151 note).

(b)(1) The Foreign Relations Authorization Act, Fiscal Year 1979, is amended—

(A) in section 121, by striking out "(a)";

(B) in section 122, by striking out "(a)";

(C) in section 601, by striking out "(a)";

(D) in section 611, by striking out "(a)";

(E) in section 613, by striking out "(a)";

and

(F) in section 705, by striking out "(a)".

(2) The Foreign Relations Authorization Act, Fiscal Year 1978, is amended—

(A) in section 107, by striking out "(a)";

(B) in section 414, by striking out "(a)";

(C) in section 503, by striking out "(a)";

and

(D) in section 505, by striking out "(a)".

(3) The Foreign Relations Authorization Act, Fiscal Year 1976, is amended—

(A) in section 102, by striking out "Sec. 102. (a) Except as provided in subsection (b), no" and inserting in lieu thereof "Sec. 102. No"; and

(B) in section 503, by striking out "(a)".

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

SEC. 502. (a) The Congress finds that—

(1) the First Amendment of the Constitution of the United States upholds the principle of freedom of the press;

(2) Article 19 of the Universal Declaration of Human Rights states that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers";

(3) the signatories to the Final Act of the Conference on Security and Cooperation in Europe concluded in 1975 in Helsinki, Finland, pledged themselves to foster "freer flow and wider dissemination of information of all kinds", and to support "the improvement of the circulation of, access to, and exchange of information";

(4) the Constitution of the United Nations Educational, Scientific, and Cultural Organization itself is committed to "promote the free flow of ideas by word and image"; and

(5) a free press is vital to the functioning of free governments.

(b) The Congress hereby expresses its opposition to—

(1) efforts by the United Nations Educational, Scientific, and Cultural Organization to attempt to regulate news content and to formulate rules and regulations for the operation of the world press; and

(2) efforts by some countries further to control access to and dissemination of news.

PROMOTION OF FREE PRESS

SEC. 503. (a) It is the sense of the Congress that none of the funds authorized to be appropriated under paragraph (2) of section 102 of this Act may be used for payment by the United States toward the assessed budget of the United Nations Educational, Scientific, and Cultural Organization if such payment would cause the total contribution of the United States to the United Nations

Educational, Scientific, and Cultural Organization to exceed its assessed contribution less 25 percent of the amount made available by the United Nations Educational, Scientific, and Cultural Organization for projects or organizational entities the effect of which is to license journalists or their publications, to censor or otherwise restrict the free flow of information within or between countries, or to impose mandatory codes of journalistic practice or ethics.

(b) The Secretary of State shall prepare and transmit annually to the Congress a report on the implementation of this section.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

SEC. 504. (a) Section 6(4) of the Japan-United States Friendship Act is amended by striking out "and not to exceed 5 per centum annually of the principal of the Fund" and inserting in lieu thereof a comma and the following: "any amount of the contributions deposited in the Fund from nonappropriated sources pursuant to paragraph (2) or (3) of this section, and not to exceed 5 per centum annually of the principal of the total amount appropriated to the Fund".

(b) Section 7(e) of such Act is amended by inserting after "amounts received" the following: "(including amounts earned as interest on, and proceeds from the sale or redemption of, obligations purchased with amounts received)".

REPORT

SEC. 505. (a) Not later than sixty days after the date of enactment of this section, the President shall prepare and transmit to the Congress a full and complete report on the total cost of Federal, State, and local efforts to assist refugees and Cuban and Haitian entrants within the United States or abroad for each of the fiscal years 1981 and 1982. Such reports shall include and set forth for each such fiscal year—

(1) the costs of assistance for resettlement of refugees and Cuban and Haitian entrants within the United States or abroad;

(2) the costs of United States contributions to foreign governments, international organizations, or other agencies which are attributable to assistance for refugees and Cuban and Haitian entrants;

(3) the costs of Federal, State, and local efforts other than described in paragraphs (1) and (2) to assist, and provide services for, refugees and Cuban and Haitian entrants; and

(4) administrative and operating expenses of Federal, State, and local governments which are attributable to programs of assistance or services described in paragraphs (1), (2), and (3); and

(5) administrative and operating expenses incurred by the United States because of the entry of such aliens into the United States.

(b) For purposes of this section—

(1) the term "refugees" is used within the meaning of paragraph (42) of section 101(a) of the Immigration and Nationality Act; and

(2) the phrase "Cuban and Haitian entrants" means Cubans and Haitians paroled into the United States, pursuant to section 212(d)(5) of the Immigration and Nationality Act, during 1980 who have not been given or denied refugee status under the Immigration and Nationality Act.

TITLE VI—PEACE CORPS AUTONOMY

SHORT TITLE

SEC. 601. This title may be cited as the "Peace Corps Autonomy Act".

ESTABLISHMENT AS AN INDEPENDENT AGENCY

Sec. 602. Effective on the date of enactment of this Act, the Peace Corps shall be an independent agency within the executive branch and shall not be an agency within the ACTION Agency or any other department or agency of the United States.

TRANSFER OF FUNCTIONS

Sec. 603. (a) There are transferred to the Director of the Peace Corps all functions relating to the Peace Corps which were vested in the Director of the ACTION Agency on the day before the date of enactment of this Act.

(b)(1) All personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds as are determined by the Director of the Office of Management and Budget, after consultation with the Comptroller General of the United States, the Director of the Peace Corps, and the Director of the ACTION Agency, to be employed, held, or used primarily in connection with any function relating to the Peace Corps before the date of the enactment of this Act are transferred to the Peace Corps. The transfer of unexpended balances pursuant to the preceding sentence shall be subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c).

(2)(A) The transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any employee to be separated or reduced in rank, class, grade, or compensation, or otherwise suffer a loss of employment benefits for one year after—

(i) the date on which the Director of the Office of Management and Budget submits the report required under section 606, or

(ii) the effective date of the transfer of such employee, whichever occurs later.

(B) The personnel transferred pursuant to this section shall, to the maximum extent feasible, be assigned to such related functions and organizational units in the Peace Corps as such personnel were assigned to immediately before the date of enactment of this Act.

(C) Collective-bargaining agreements in effect on the date of enactment of this Act covering personnel transferred pursuant to this section or employed on such date by the Peace Corps shall continue to be recognized by the Peace Corps until the termination date of such agreements or until a mutual modification by the parties otherwise specifies.

(3) Under such regulations as the President may prescribe, each person who does not hold an appointment under section 7(a)(2) of the Peace Corps Act and who is determined under paragraph (1) to be employed primarily in connection with any function relating to the Peace Corps shall, effective on the date of enactment of this Act, be appointed a member of the Foreign Service under the authority of section 7(a)(2) of the Peace Corps Act, and be appointed or assigned to an appropriate class thereof, except that—

(A) no person who holds a career or career-conditional appointment immediately before such date shall, without the consent of such person, be so appointed until three years after such date, during which period such person not consenting to be so appointed may continue to hold such career or career-conditional appointment; and

(B) each person so appointed who, immediately before such date, held a career or career-conditional appointment at grade 8 or below of the General Schedule established by section 5332 of title 5, United States Code, shall be appointed a member of the Foreign Service for the duration of operations under the Peace Corps Act.

Each person appointed under this paragraph shall receive basic compensation at the rate of such person's class determined by the President to be appropriate, except that the rate of basic compensation received by such person immediately before the effective date of such person's appointment under this paragraph shall be not reduced as a result of the provisions of this paragraph.

DIRECTOR OF THE PEACE CORPS

Sec. 604. Section 4(b) of the Peace Corps Act (22 U.S.C. 2503(b)) is amended by striking out "such agency or officer of the United States Government as he shall direct. The head of any such agency or any such officer" and inserting in lieu thereof "the Director of the Peace Corps. The Director of the Peace Corps".

TECHNICAL AMENDMENTS

Sec. 605. (a) Section 3 of the Peace Corps Act (22 U.S.C. 2502) is amended by—

(1) repealing subsections (d), (e), and (f); and

(2) redesignating subsection (g) as subsection (d).

(b) The repeal of provisions of law made by subsection (a) of this section shall not affect (1) the validity of any action taken under the repealed provisions before the date of the enactment of this Act, or (2) the liability of any person for any payment described in such subsection (f).

REPORTS

Sec. 606. (a) Not later than the thirtieth day after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the appropriate committees of the Congress and to the Comptroller General a report regarding the steps taken in implementation of the provisions of this Act, including descriptions of the manner in which various administrative matters are disposed of, such as matters relating to personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, available, or to be made available in connection with functions or activities relating to the Peace Corps.

(b) Not later than the forty-fifth day after the date of the enactment of this Act, the Comptroller General shall submit to such committees a report stating whether, in the judgment of the Comptroller General, determinations made by the Director of the Office of Management and Budget under section 603(b)(1) were equitable.

REFERENCES IN LAW

Sec. 607. References in any law, reorganization plan, Executive order, regulation, or other official document or proceeding to the ACTION Agency or the Director of the ACTION Agency with respect to functions or activities relating to the Peace Corps shall be deemed to refer to the Peace Corps or the Director of the Peace Corps, respectively.

MOTION OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Speaker, pursuant to House Resolution 257, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FASCELL moves to strike out all after the enacting clause of the Senate bill, S. 1193, and insert in lieu thereof the provisions contained in H.R. 4814.

The SPEAKER pro tempore. Pursuant to House Resolution 257, the amendment is considered as having been read.

The amendment reads as follows:

H.R. 4814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEPARTMENT OF STATE

SHORT TITLE

Sec. 101. This title may be cited as the "Department of State Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 102. There are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and other purposes authorized by law, the following amounts:

(1) For "Administration of Foreign Affairs", \$1,245,637,000 for the fiscal year 1982 and \$1,248,059,000 for the fiscal year 1983.

(2) For "International Organizations and Conferences", \$503,462,000 for the fiscal year 1982 and \$514,436,000 for the fiscal year 1983.

(3) For "International Commissions", \$19,808,000 for the fiscal year 1982 and \$22,432,000 for the fiscal year 1983.

(4) For "Migration and Refugee Assistance", \$504,100,000 for the fiscal year 1982 and \$460,000,000 for the fiscal year 1983.

PALESTINIAN RIGHTS UNITS

Sec. 103. Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise of the Inalienable Rights of the Palestinian People (or any similar successor entity); and

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity).

RESTRICTION ON CONTRIBUTIONS TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Sec. 104. (a) None of the funds authorized to be appropriated by section 102(2) of this Act or by any other Act for "International Organizations and Conferences" may be used for payment by the United States of its contribution toward the assessed budget of the United Nations Educational, Scientific and Cultural Organization if that organization implements any policy or procedure the effect of which is to license journalists or their publications, to censor or otherwise restrict the free flow of information within or among countries, or to impose mandatory codes of journalistic practice or ethics.

(b) Not later than February 1 of each year, the Secretary of State shall report to the Congress with respect to whether the United Nations Educational, Scientific and Cultural Organization has taken any action described in subsection (a) of this section.

EX GRATIA PAYMENT

Sec. 105. Of the amount appropriated for the fiscal year 1982 under paragraph (1) of section 102 of this Act, \$81,000 shall be available for payment ex gratia to the Government of Yugoslavia as an expression of concern by the United States Government for the injuries sustained by a Yugoslav national as a result of an attack on him in New York City.

ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

Sec. 106. Of the amounts authorized to be appropriated by paragraph (4) of section 102 of this Act, \$12,500,000 for the fiscal year 1982 and \$15,000,000 for the fiscal year 1983 shall be available only for assistance for the resettlement in Israel of refugees from the Union of Soviet Socialist Republics and from Communist countries in Eastern Europe.

BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

Sec. 107. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated to the Secretary of State \$3,700,000 for the fiscal year 1982 and \$3,700,000 for the fiscal year 1983 for payment of the United States share of expenses of the science and technology agreements between the United States and Yugoslavia and between the United States and Poland.

BUYING POWER MAINTENANCE

Sec. 108. (a) Section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)) is amended to read as follows:

"(b)(1) In order to maintain the levels of program activity for the Department of State provided for each fiscal year by the annual authorizing legislation, there are authorized to be appropriated for the Department of State such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, which occur after November 30 of the calendar year preceding the enactment of the authorizing legislation for such fiscal year.

"(2) In carrying out this subsection, there may be established a Buying Power Maintenance account.

"(3) In order to eliminate substantial gains to the approved levels of overseas operations for the Department of State, the Secretary of State may transfer to the Buying Power Maintenance account such amounts in any appropriation account under the heading 'Administration of Foreign Affairs' as the Secretary determines are excessive to the needs of the approved level of operations under that appropriation account because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

"(4) In order to offset adverse fluctuations in foreign currency exchange rates or overseas wage and price changes, the Secretary of State may transfer from the Buying Power Maintenance account to any appropriation account under the heading 'Administration of Foreign Affairs' such amounts as the Secretary determines are necessary to maintain the approved level of operations under that appropriation account.

"(5) Funds transferred by the Secretary of State from the Buying Power Maintenance

account to another account shall be merged with and be available for the same purpose, and for the same time period, as the funds in that other account. Funds transferred by the Secretary from another account to the Buying Power Maintenance account shall be merged with the funds in the Buying Power Maintenance account and shall be available for the purposes of that account until expended.

"(6) Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of State that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels."

(b) Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended—

(1) by inserting ", or overseas wage and price changes," immediately after "foreign currency exchange rates"; and

(2) by striking out "preceding" and inserting in lieu thereof "calendar year preceding the enactment of the authorizing legislation for such".

(c) Section 8(a)(2) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2287(a)(2)) is amended—

(1) in the first sentence, by inserting ", or overseas wage and price changes," immediately after "foreign currency exchange rates";

(2) in the first sentence, by striking out "preceding" and inserting in lieu thereof "calendar year preceding the enactment of the amendments to paragraph (1) which provide the authorization for such"; and

(3) in the second sentence, by inserting "or such changes" immediately after "such fluctuations".

PASSPORT FEES AND PERIOD OF VALIDITY

Sec. 109. (a) The first sentence of section 1 under the heading "FEES FOR PASSPORTS AND VISAS" of the Act of June 4, 1920 (22 U.S.C. 214), is amended to read as follows: "There shall be collected and paid into the Treasury of the United States a fee, prescribed by the Secretary of State by regulation, for each passport issued and a fee, prescribed by the Secretary of State by regulation, for executing each application for a passport."

(b)(1) Section 2 of the Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 217a), is amended to read as follows:

"Sec. 2. A passport shall be valid for a period of ten years from the date of issue, except that the Secretary of State may limit the validity of a passport to a period of less than ten years in an individual case or on a general basis pursuant to regulation."

(2) The amendment made by this subsection applies with respect to passports issued after the date of enactment of this Act.

DOCUMENTATION OF CITIZENSHIP

Sec. 110. The State Department Basic Authorities Act of 1956 is amended by inserting the following new section 33 immediately after section 32 and by redesignating existing section 33 as section 34:

"Sec. 33. The following documents shall have the same force and effect as proof of United States citizenship as certificates of naturalization or of citizenship issued by the Attorney General or by a court having naturalization jurisdiction:

"(1) A passport, during its period of validity (if such period is the maximum period authorized by law), issued by the Secretary of State to a citizen of the United States.

"(2) The report, designated as a 'Report of Birth Abroad of a Citizen of the United States', issued by a consular officer to document a citizen born abroad."

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

Sec. 111. Paragraph (1) of the first section of the joint resolution entitled "Joint resolution to provide for membership of the United States in the Pan American Institute of Geography and History; and to authorize the President to extend an invitation for the next general assembly of the institute to meet in the United States in 1935, and to provide an appropriation for expenses thereof", approved August 2, 1935 (22 U.S.C. 273), is amended by striking out ", not to exceed \$200,000 annually,".

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW AND THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

Sec. 112. Section 2 of the joint resolution entitled "Joint resolution to provide for participation by the Government of the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor", approved December 30, 1963 (22 U.S.C. 269g-1), is amended by striking out "except that" and all that follows through "that year".

PAN AMERICAN RAILWAY CONGRESS

Sec. 113. Section 2(a) of the joint resolution entitled "Joint resolution providing for participation by the Government of the United States in the Pan American Railway Congress, and authorizing an appropriation therefor", approved June 28, 1948 (22 U.S.C. 280k), is amended by striking out "Not more than \$15,000 annually" and inserting in lieu thereof "Such sums as may be necessary".

UNITED STATES REPRESENTATIVE TO INTERNATIONAL ORGANIZATIONS IN VIENNA

Sec. 114. Section 2 of the United Nations Participation Act of 1945 (22 U.S.C. 287) is amended by adding at the end thereof the following new subsection:

"(h) The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the Vienna office of the United Nations with appropriate rank and status, who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. Such individual shall, at the direction of the Secretary of State, represent the United States at the Vienna office of the United Nations and perform such other functions there in connection with the participation of the United States in international organizations as the Secretary of State from time to time may direct."

LIVING QUARTERS FOR THE STAFF OF THE UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS

Sec. 115. Section 8 of the United Nations Participation Act of 1945 (22 U.S.C. 287e) is amended—

(1) by striking out "representative of the United States to the United Nations referred to in paragraph (a) of section 2 hereof" and inserting in lieu thereof "representatives provided for in section 2 of this Act and of their appropriate staffs"; and

(2) by adding at the end thereof the following: "Any payments made by United

States Government personnel for occupancy by them of living quarters leased or rented under this section shall be credited to the appropriation, fund, or account utilized by the Secretary of State for such lease or rental or to the appropriation, fund, or account currently available for such purpose."

AMENDMENTS CORRECTING PRINTING ERRORS

SEC. 116. The Foreign Service Act of 1980 is amended—

(1) in section 704(b)(2) (22 U.S.C. 4024(b)(2)) by striking out "411" and inserting in lieu thereof "412"; and

(2) in section 814(a)(3) (22 U.S.C. 4054(a)(3)) by striking out "on" the second place it appears in the first sentence and inserting in lieu thereof "or".

PRIVATE SECTOR REPRESENTATIVES ON UNITED STATES DELEGATIONS TO INTERNATIONAL TELECOMMUNICATIONS MEETINGS AND CONFERENCES

SEC. 117. (a) Sections 203, 205, 207, and 208 of title 18, United States Code, shall not apply to a private sector representative on the United States delegation to an international telecommunications meeting or conference who is specifically designated to speak on behalf of or otherwise represent the interests of the United States at such meeting or conference with respect to a particular matter, if the Secretary of State (or his designee) certifies that no Government employee on the delegation is as well qualified to represent United States interests with respect to such matter and that such designation serves the national interest. All such representatives shall have on file with the Department of State the financial disclosure report required for special Government employees.

(b) As used in this section, the term "international telecommunications meeting or conference" means the conferences of the International Telecommunications Union, meetings of its International Consultative Committees for Radio and for Telephone and Telegraph, and such other international telecommunications meetings or conferences as the Secretary of State may designate.

PROCUREMENT CONTRACTS

SEC. 118. The State Department Basic Authorities Act of 1956 is amended by inserting the following new section immediately after section 13:

"Sec. 14. (a) Any contract for the procurement of property or services, or both, for the Department of State or the Foreign Service which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of five years when—

"(1) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and

"(2) the Secretary of State determines that—

"(A) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

"(B) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

"(C) such a method of contracting will not inhibit small business participation.

"(b) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled and any cancellation costs incurred shall be paid from appropria-

tions originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments."

COMPENSATION FOR DISABILITY OR DEATH

SEC. 119. The State Department Basic Authorities Act of 1956 is amended by inserting the following new section immediately after section 15:

"Sec. 16. The first section of the Act of August 16, 1941 (42 U.S.C. 1651; commonly known as the 'Defense Base Act') shall not apply with respect to such contracts as the Secretary of State may determine which are contracts with persons employed to perform work for the Department of State or the Foreign Service on an intermittent basis for not more than 90 days in a calendar year."

REGULATION OF FOREIGN MISSIONS

SEC. 120. (a) The State Department Basic Authorities Act of 1956 is amended by striking out "That the Secretary" in the first section and inserting in lieu thereof the following:

"TITLE I—BASIC AUTHORITIES GENERALLY

"SECTION 1. The Secretary".

(b) That Act is further amended by adding at the end thereof the following:

"TITLE II—AUTHORITIES RELATING TO THE REGULATION OF FOREIGN MISSIONS

"DECLARATION OF FINDINGS AND POLICY

"Sec. 201. (a) The Congress finds that the operation in the United States of foreign missions and public international organizations and the official missions to such organizations, including the permissible scope of their activities and the location and size of their facilities, is a proper subject for the exercise of Federal jurisdiction.

"(b) The Congress declares that it is the policy of the United States to support the secure and efficient operation of United States missions abroad, to facilitate the secure and efficient operation in the United States of foreign missions and public international organizations and the official missions to such organizations, and to assist in obtaining appropriate benefits, privileges, and immunities for those missions and organizations and to require their observance of corresponding obligations in accordance with international law.

"(c) The treatment to be accorded to a foreign mission in the United States shall be determined by the United States after due consideration of the benefits, privileges, and immunities provided to missions of the United States in the country or territory represented by that foreign mission.

"DEFINITIONS

"Sec. 202. (a) For purposes of this title—

"(1) 'benefit' (with respect to a foreign mission) means any acquisition, or authorization for an acquisition, in the United States by or for a foreign mission, including the acquisition of—

"(A) real property by purchase, lease, exchange, construction, or otherwise,

"(B) public services, including services relating to customs, importation, and utilities, and the processing of applications or requests relating to public services,

"(C) supplies, maintenance, and transportation,

"(D) locally engaged staff on a temporary or regular basis,

"(E) travel and related services, and

"(F) protective services,

and includes such other benefits as the Secretary may designate;

"(2) 'chancery' means the principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), and includes the site and any building on such site which is used for such purposes;

"(3) 'Director' means the Director of the Office of Foreign Missions established pursuant to section 203(a);

"(4) 'foreign mission' means any official mission to the United States involving diplomatic, consular, or other governmental activities of—

"(A) a foreign government, or

"(B) an organization (other than an international organization, as defined in section 209(b) of this title) representing a territory or political entity which has been granted diplomatic or other official privileges and immunities under the laws of the United States,

including any real property of such a mission and including the personnel of such a mission;

"(5) 'real property' includes any right, title, or interest in or to, or the beneficial use of, any real property in the United States, including any office or other building;

"(6) 'Secretary' means the Secretary of State;

"(7) 'sending State' means the foreign government, territory, or political entity represented by a foreign mission; and

"(8) 'United States' means, when used in a geographic sense, the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

"(b) Determinations with respect to the meaning and applicability of the terms used in subsection (a) shall be committed to the discretion of the Secretary.

"OFFICE OF FOREIGN MISSIONS

"Sec. 203. (a) The Secretary shall establish an Office of Foreign Missions as an independent office within the Department of State. The Office shall be headed by a Director, appointed by the Secretary, who shall perform his or her functions under the supervision and direction of the Secretary. The Secretary may delegate this authority for supervision and direction of the Director only to the Deputy Secretary of State or an Under Secretary of State.

"(b) The Secretary may authorize the Director to—

"(1) assist agencies of Federal, State, and municipal government with regard to ascertaining and according benefits, privileges, and immunities to which a foreign mission may be entitled;

"(2) provide or assist in the provision of benefits for or on behalf of a foreign mission in accordance with section 204; and

"(3) perform such other functions as the Secretary may determine necessary in furtherance of the policy of this title.

"PROVISION OF BENEFITS

"Sec. 204. (a) Upon the request of a foreign mission, benefits may be provided to or for that foreign mission by or through the Director on such terms and conditions as the Secretary may approve.

"(b) If the Secretary determines that such action is reasonably necessary on the basis of reciprocity or otherwise—

"(1) to facilitate relations between the United States and a sending State,

"(2) to protect the interests of the United States,

"(3) to adjust for costs and procedures of obtaining benefits for missions of the United States abroad, or

"(4) to assist in resolving a dispute affecting United States interests and involving a foreign mission or sending State,

then the Secretary may require a foreign mission (A) to obtain benefits from or through the Director on such terms and conditions as the Secretary may approve, or (B) to comply with such terms and conditions as the Secretary may determine as a condition to the execution or performance in the United States of any contract or other agreement; the acquisition, retention, or use of any real property; or the application for or acceptance of any benefit (including any benefit from or authorized by any Federal, State, or municipal governmental authority, or any entity providing public services).

"(c) Terms and conditions established by the Secretary under this section may include—

"(1) a requirement to pay to the Director a surcharge or fee, and

"(2) a waiver by a foreign mission (or any assignee of or person deriving rights from a foreign mission) of any recourse against any governmental authority, any entity providing public services, any employee or agent of such an authority or entity, or any other person, in connection with any action determined by the Secretary to be undertaken in furtherance of this title.

"(d) For purposes of effectuating a waiver of recourse which is required under this section, the Secretary may designate the Director or any other officer of the Department of State as the agent of a foreign mission (or of any assignee of or person deriving rights from a foreign mission). Any such waiver by an officer so designated shall for all purposes (including any court or administrative proceeding) be deemed to be a waiver by the foreign mission (or the assignee of or other person deriving rights from a foreign mission).

"(e) Neither the Director nor any other officer or employee of the Department of State may certify or otherwise authenticate the accredited diplomatic status of a total of more than two persons for each foreign mission for the purpose of facilitating, directly or indirectly, the issuance to any such person of a diplomatic license plate for any motor vehicle by any Federal, State, or local governmental agency.

"PROPERTY OF FOREIGN MISSIONS

"SEC. 205. (a)(1) The Secretary may require any foreign mission to notify the Director prior to any proposed acquisition, or any proposed sale or other disposition, of any real property by or on behalf of such mission. If such a notification is required, the foreign mission (or other party acting on behalf of the foreign mission) may initiate or execute any contract, proceeding, application, or other action required for the proposed action—

"(A) only after the expiration of the sixty-day period beginning on the date of such notification (or after the expiration of such shorter period as the Secretary may specify in a given case); and

"(B) only if the mission is not notified by the Secretary within that period that the proposal has been disapproved; however, the Secretary may include in such a notification such terms and conditions as the Secretary may determine appropriate in order to remove the disapproval.

"(2) For purposes of this section, 'acquisition' includes any acquisition or alteration of, or addition to, any real property or any change in the purpose for which real property is used by a foreign mission.

"(b) The Secretary may require any foreign mission to divest itself of, or forgo the use of, any real property determined by the Secretary—

"(1) not to have been acquired in accordance with this section; or

"(2) to exceed limitations placed on real property available to a United States mission in the sending State.

"(c) If a foreign mission has ceased conducting diplomatic, consular, and other governmental activities in the United States and there is not a protecting power or other agent designated by the sending State and approved by the Secretary which is responsible for the property of that foreign mission, the Secretary—

"(1) until the designation of a protecting power or other agent approved by the Secretary, may protect and preserve any property of that foreign mission; and

"(2) may authorize the Director to dispose of such property at such time as the Secretary may determine after the expiration of the one-year period beginning on the date that the foreign mission ceased those activities, and may remit to the sending State the net proceeds from such disposition.

"LOCATION OF FOREIGN MISSIONS IN THE DISTRICT OF COLUMBIA

"SEC. 206. (a) In order to ensure the fulfillment of the international obligations of the United States and the policy of this title, the location, replacement, or expansion of any building or other real property in the District of Columbia which is used for the diplomatic, consular, or other governmental activities (except property used exclusively for residential purposes) of a foreign mission shall be subject to the approval of the District of Columbia Foreign Missions Commission as provided in this section.

"(b)(1) There is hereby created, as an independent agency of the District of Columbia, the District of Columbia Foreign Missions Commission (hereafter in this section referred to as the 'Foreign Missions Commission') which shall consist of the five members of the Zoning Commission for the District of Columbia (as such members are designated by section 492(a) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 5-412)), the Chairman of the National Capital Planning Commission, and the Secretary of Defense, or such alternate as each such person may be designated from time to time.

"(2) While actually engaged in the performance of duties as a member of the Foreign Missions Commission, the Chairman of the National Capital Planning Commission (or the alternate designated by the Chairman) shall be compensated by the District of Columbia in the manner and at the rates applicable to the members of the Zoning Commission for the District of Columbia who are appointed by the Mayor.

"(3) The Mayor of the District of Columbia shall furnish such facilities and administrative services, and shall assign such employees, to the Foreign Missions Commission as may be required by the Commission to carry out this section.

"(c) The Foreign Missions Commission shall—

"(1) establish areas within which chanceries may be located as a matter of right, and

"(2) establish additional areas within which chanceries may be located.

Limitations on chancery uses shall not exceed those applicable to any other nonresidential use in the areas so established.

"(d) Any determination by the Foreign Missions Commission pursuant to this section, including the establishment of areas in accordance with paragraphs (1) and (2) of subsection (c), shall be considered rulemaking under the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501-1-1510).

"(e) Any determination by the Foreign Missions Commission with respect to chanceries pursuant to this section, including the establishment of areas in accordance with paragraphs (1) and (2) of subsection (c), shall be based solely on the following criteria:

"(1) The obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.

"(2) The chancery is in or adjacent to an area, determined on the basis of existing or planned uses, of (A) commercial use, or (B) mixed uses, including residential, commercial, office, or institutional use.

"(3) Historic preservation, as determined by the Foreign Missions Commission in carrying out this section; except that substantial compliance with District and Federal laws governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks, in order to ensure compatibility with historic landmarks and districts.

"(4) The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary.

"(5) The extent to which the area will have adequate public facilities, utilities, and services, including streets, street lighting, water, sewer, electricity, telephone, and refuse collection.

"(6) The extent to which the area is capable of being adequately protected, as determined by a Federal agency authorized to perform protective services.

"(7) The municipal interest, as determined by the Mayor of the District of Columbia.

"(8) The Federal interest, as determined by the Secretary.

Any other determination by the Foreign Missions Commission pursuant to this section shall be based solely on the criteria specified in paragraphs (1), (3), (6), (7), and (8), and such other criteria as the Commission may by regulation establish.

"(f)(1) The regulations, proceedings, and other actions of the Foreign Missions Commission pursuant to this section shall not be inconsistent with Federal elements of the comprehensive plan for the National Capital. All elements of the comprehensive plan relating to the location of foreign missions shall be based solely on the criteria set forth in this section and shall reflect the policy of this title.

"(2) Proposed determinations by the Foreign Missions Commission shall be referred to the National Capital Planning Commission for review and comment.

"(g) The Foreign Missions Commission shall promulgate such regulations as it determines are necessary for it to carry out this section.

"(h) This section shall not be construed to authorize, and the regulations of the For-

Foreign Missions Commission shall not provide for or require, procedures in the nature of a special exception or administrative proceedings of an adjudicatory nature.

"(i) In any proceeding with respect to approval of the location, replacement, or expansion of real property of a foreign mission pursuant to this section, the final determination by the Foreign Missions Commission shall be made not later than 6 months after the date of filing an application for such approval. Any such determination shall not be subject to administrative proceedings of any other agency or official except as provided in this title. Any such determination by the Foreign Missions Commission shall ensure the fulfillment of the obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions and shall take into account special security requirements as determined by the Secretary.

"(j) The Secretary shall require foreign missions to comply substantially with District of Columbia building and related codes in a manner determined by the Secretary to be not inconsistent with the international obligations of the United States.

"(k) The United States, acting on its own behalf or on behalf of a foreign mission—

"(1) has standing to bring an action for judicial review of a determination by the Foreign Missions Commission under this section or, where appropriate, for judicial enforcement of the requirements of this section applicable to the Commission; and

"(2) has standing to intervene in any such action which is otherwise pending.

"(l) Approval by the Foreign Missions Commission under this section or, except as provided in section 205, by any other agency or official is not required—

"(1) for the location, replacement, or expansion of real property of a foreign mission to the extent—

"(A) that authority to proceed with respect to such location, replacement, or expansion was granted to the foreign mission before the date of enactment of this section, or

"(B) that rights or interests with respect to such location, replacement, or expansion were otherwise acquired by the foreign mission before the date of enactment of this section; or

"(2) for continuing use of real property by a foreign mission for diplomatic, consular, or other governmental activity to the extent that such property was being used by that foreign mission for that activity on the date of enactment of this section.

"PREEMPTION

"Sec. 207. Notwithstanding any other provision of law, no act of any Federal agency or of any State or municipal governmental authority shall be effective to confer or deny any benefits with respect to any foreign mission contrary to this title.

"GENERAL PROVISIONS

"Sec. 208. (a) The Secretary may issue such regulations as the Secretary may determine necessary to carry out the policy of this title.

"(b) Compliance with any regulation, instruction, or direction issued by the Secretary under this title shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court or administrative proceeding for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to

and in reliance on, this title, or any regulation, instruction, or direction issued by the Secretary under this title.

"(c) For purposes of administering this title—

"(1) the Secretary may accept details and assignments of employees of Federal agencies to the Office of Foreign Missions on a reimbursable or nonreimbursable basis (with any such reimbursements to be credited to the appropriations made available for the salaries and expenses of officers and employees of the employing agency); and

"(2) the Secretary may, to the extent necessary to obtain services without delay, exercise his authority to employ experts and consultants under section 3109 of title 5, United States Code, without requiring compliance with such otherwise applicable requirements for that employment as the Secretary may determine, except that such employment shall be terminated after 60 days if by that time those requirements are not complied with.

"(d) Contracts and subcontracts for supplies or services, including personal services, made by or on behalf of the Director, shall be made after advertising, in such manner and at such times as the Secretary shall determine to be adequate to ensure notice and opportunity for competition, except that advertisement shall not be required when (1) the Secretary determines that it is impracticable or will not permit timely performance to obtain bids by advertising, or (2) the aggregate amount involved in a purchase of supplies or procurement of services does not exceed \$10,000. Such contracts and subcontracts may be entered into without regard to laws and regulations otherwise applicable to solicitation, negotiation, administration, and performance of government contracts. In awarding contracts, the Secretary may consider such factors as relative quality and availability of supplies or services and the compatibility of the supplies or services with implementation of this title.

"(e) The head of any Federal agency may, for purposes of this title—

"(1) transfer or loan any property to, and perform administrative and technical support functions and services for the operations of, the Office of Foreign Missions (with reimbursements to agencies under this paragraph to be credited to the current applicable appropriation of the agency concerned); and

"(2) acquire and accept services from the Office of Foreign Missions, including (when the Secretary determines it to be in furtherance of the purposes of this title) acquisitions without regard to laws normally applicable to the acquisition of services by such agency.

"(f) Assets of or under the control of the Office of Foreign Missions, wherever situated, which are used by or held for the use of a foreign mission shall not be subject to attachment, execution, injunction, or similar process, whether intermediate or final.

"(g) Except as otherwise provided, any determination required under this title shall be committed to the discretion of the Secretary. Actions taken under the authority of this title shall not be considered rulemaking within the meaning of section 553 of title 5, United States Code.

"(h)(1) In order to implement this title, the Secretary may transfer such amounts available to the Department of State as may be necessary to the working capital fund established by section 13 of this Act.

"(2) Notwithstanding any other provision of law, all revenues, including proceeds from

gifts and donations, received by the Director or the Secretary in carrying out this title may be credited to the working capital fund established by section 13 of this Act and shall be available for purposes of this title in accordance with that section.

"APPLICATION TO PUBLIC INTERNATIONAL ORGANIZATIONS AND OFFICIAL MISSIONS TO SUCH ORGANIZATIONS

"Sec. 209. (a) The Secretary may make section 206, or any other provision of this title, applicable with respect to an international organization to the same extent that it is applicable with respect to a foreign mission if the Secretary determines that such application is necessary to carry out the policy set forth in section 201(b) and to further the objectives set forth in section 204(b).

"(b) For purposes of this section, 'international organization' means—

"(1) a public international organization designated as such pursuant to the International Organizations Immunities Act (22 U.S.C. 288—288f-2) or other law authorizing such status; or

"(2) an official mission (other than a United States mission) to such a public international organization,

including any real property of such an organization or mission and including the personnel of such an organization or mission.

"PRIVILEGES AND IMMUNITIES

"Sec. 210. Nothing in this title shall be construed to limit the authority of the United States to carry out its international obligations, or to supersede or limit immunities otherwise available by law. No act or omission by any foreign mission, public international organization, or official mission to such an organization, in compliance with this title, shall be deemed to be an implied waiver of any immunity otherwise provided for by law.

"ENFORCEMENT

"Sec. 211. It shall be unlawful for any person to make available any benefits to a foreign mission contrary to this title. In addition to means of enforcement otherwise available, this title shall be enforceable in any appropriate district court of the United States by injunctive or other relief upon application by the Attorney General.

"SEVERABILITY

"Sec. 212. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to any other person or circumstance shall not be affected thereby."

(c) Section 13 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2684) is amended in the first sentence by striking out "and" following the semicolon at the end of clause (3), and by inserting immediately before the period at the end thereof "; and (5) services and supplies to carry out title II of this Act".

(d)(1) Subparagraph (A) of section 2(1) of the Diplomatic Relations Act (22 U.S.C. 254a(1)(A)) is amended to read as follows:

"(A) the head of a mission and those members of a mission who are members of the diplomatic staff or who, pursuant to law, are granted equivalent privileges and immunities,"

(2) Section 3(b) of such Act (22 U.S.C. 254b) is amended to read as follows:

"(b) With respect to a nonparty to the Vienna Convention, the mission, the members of the mission, their families, and dip-

lomatic couriers shall enjoy the privileges and immunities specified in the Vienna Convention."

(3) Section 4 of such Act (22 U.S.C. 254c) is amended—

(A) by inserting "the mission, the" immediately after "immunities for"; and

(B) by striking out "of any sending state".

(4) Section 1364 of title 28, United States Code, is amended by striking out "as defined in the Vienna Convention on Diplomatic Relations" and inserting in lieu thereof "within the meaning of section 2(3) of the Diplomatic Relations Act (22 U.S.C. 254a(3))".

(e) The Act of June 20, 1938 (Public Law 684, 75th Congress; 52 Stat. 797) is amended—

(1) in section 6 by striking out "(a)", and by striking out subsections (b), (c), (d), and (e); and

(2) in section 16 by adding at the end thereof the following new sentence: "In addition, the provisions of this Act shall not apply to any real property to which section 206(a) of the State Department Basic Authorities Act of 1956 (relating to foreign missions) is applicable."

REOPENING CERTAIN UNITED STATES CONSULATES

SEC. 121. (a) None of the funds made available under this or any other Act for the "Administration of Foreign Affairs" may be used for the establishment or operation of any United States consulate that did not exist on the date of enactment of this Act (other than the consulates specified in subsection (b) of this section) unless all of the United States consulates specified in subsection (b) of this section have been reopened as required by section 108 of the Department of State Authorization Act, Fiscal Years 1980 and 1981.

(b) The consulates referred to in subsection (a) of this section are the consulates in the following locations: Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

SEC. 122. (a) The Congress finds that—

(1) a free press is vital to the functioning of free governments;

(2) Article 19 of the Universal Declaration of Human Rights provides for the right to freedom of expression and to "seek, receive and impart information and ideas through any media regardless of frontiers";

(3) the Constitution of the United Nations Educational, Scientific, and Cultural Organization provides for the promotion of "the free flow of ideas by words and images";

(4) the signatories of the Final Act of the Conference on Security and Cooperation in Europe (Helsinki, 1975) pledged themselves to foster "freer flow and wider dissemination of information of all kinds, to encourage cooperation in the field of information and the exchange of information with other countries, and to improve conditions under which journalists from one participating State exercise their profession in another participating State"; and

(5) government censorship, domination, or suppression of a free press is a danger to free men and women everywhere.

(b) Therefore, it is the sense of the Congress that the United Nations Educational, Scientific, and Cultural Organization should cease efforts to attempt to regulate news content and to formulate rules and regulations for the operation of the world press.

(c) The Congress opposes efforts by some countries to control access to and dissemination of news.

(d) The President shall evaluate and, not later than six months after the date of enactment of this Act, shall report to the Congress his assessment of—

(1) the extent to which United States financial contributions to the United Nations Educational, Scientific, and Cultural Organization, and the extent to which the programs and activities of that Organization, serve the national interests of the United States;

(2) the programs and activities of the United Nations Educational, Scientific, and Cultural Organization, especially its programs and activities in the communications sector; and

(3) the quality of United States participation in the United Nations Educational, Scientific, and Cultural Organization, including the quality of United States diplomatic efforts with respect to that Organization, the quality of United States representation in the Secretariat of that Organization, and the quality of recruitment of United States citizens to be employed by that Organization.

Such report should include the President's recommendations regarding any improvements which should be made in the quality and substance of United States representation in the United Nations Educational, Scientific, and Cultural Organization.

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

SHORT TITLE

SEC. 201. This title may be cited as the "International Communication Agency Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 202. There are authorized to be appropriated for the International Communication Agency \$494,034,000 for the fiscal year 1982 and \$482,340,000 for the fiscal year 1983 to carry out international communication, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

CHANGES IN ADMINISTRATIVE AUTHORITIES

SEC. 203. (a)(1) Title III of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1451-1453) is amended—

(A) in section 301 by striking out "citizen of the United States" and inserting in lieu thereof "person"; and

(B) in sections 302 and 303 by striking out "citizen of the United States" and inserting in lieu thereof "person in the employ or service of the Government of the United States".

(2) Such title is further amended—

(A) in section 301—

(i) by striking out "Secretary" the first place it appears and inserting in lieu thereof "Director of the International Communication Agency"; and

(ii) by striking out "Secretary" the second place it appears and inserting in lieu thereof "Director"; and

(B) in section 303 by striking out "Secretary" and inserting in lieu thereof "Director of the International Communication Agency".

(3) Section 302 of such Act is amended—

(A) in the second sentence by striking out "section 901(3) of the Foreign Service Act of 1946 (60 Stat. 999)" and inserting in lieu thereof "section 905 of the Foreign Service Act of 1980"; and

(B) in the last sentence by striking out "section 1765 of the Revised Statutes" and inserting in lieu thereof "section 5536 of title 5, United States Code".

(b) Section 802 of such Act (22 U.S.C. 1472) is amended—

(1) by inserting "(a)" immediately after "Sec. 802."; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) Any contract authorized by subsection (a) and described in paragraph (3) of this subsection which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of five years when—

"(A) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and

"(B) the Director of the International Communication Agency determines that—

"(i) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

"(ii) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

"(iii) such method of contracting will not inhibit small business participation.

"(2) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.

"(3) This subsection applies to contracts for the procurement of property or services, or both, for the operation, maintenance, and support of programs, facilities, and installations for or related to telecommunication activities, newswire services, and the distribution of books and other publications in foreign countries."

(c) Paragraph (16) of section 804 of such Act (22 U.S.C. 1474(16)) is amended by inserting "and security" immediately after "right-hand drive".

(d) Title VIII of such Act (22 U.S.C. 1471-1475b) is amended by adding at the end thereof the following new section:

"ACTING ASSOCIATE DIRECTORS

"SEC. 808. If an Associate Director of the International Communication Agency dies, resigns, or is sick or absent, the Associate Director's principal assistant shall perform the duties of the office until a successor is appointed or the absence or sickness stops."

(e) Title VIII of such Act is further amended by adding at the end thereof the following new section:

"COMPENSATION FOR DISABILITY OR DEATH

"SEC. 809. A cultural exchange, international fair or exposition, or other exhibit or demonstration of United States economic accomplishments and cultural attainments, provided for under this Act or the Mutual Educational and Cultural Exchange Act of 1961 shall not be considered a 'public work' as that term is defined in the first section of the Act of August 16, 1941 (42 U.S.C. 1651;

commonly known as the 'Defense Base Act').

(f) Section 1011(h) of such Act (22 U.S.C. 1442(h)) is amended by adding at the end thereof the following new paragraph:

"(4) Section 701(a) of this Act shall not apply with respect to any amounts appropriated under this section for the purpose of liquidating the notes (and any accrued interest thereon) which were assumed in the operation of the informational media guaranty program under this section and which were outstanding on the date of enactment of this paragraph."

DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED "REFLECTIONS: SAMUEL ELLIOTT MORISON"

SEC. 204. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the International Communication Agency shall make available to the Administrator of General Services a master copy of the film entitled "Reflections: Samuel Elliott Morison"; and

(2) the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that film within the United States, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the International Communication Agency.

DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED "AND NOW MIGUEL"

SEC. 205. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the International Communication Agency shall make available to the Administrator of General Services a master copy of the film entitled "And Now Miguel"; and

(2) the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that film within the United States, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the International Communication Agency.

REDESIGNATION OF THE INTERNATIONAL COMMUNICATION AGENCY AS THE UNITED STATES INFORMATION AGENCY

SEC. 206. (a) The International Communication Agency, established by Reorganization Plan Numbered 2 of 1977, is hereby redesignated the United States Information Agency. The Director of the International Communication Agency or any other official of the International Communication Agency is hereby redesignated the Director or other official, as appropriate, of the United States Information Agency.

(b) Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the International Communication Agency or the Director

or other official of the International Communication Agency shall be deemed to refer respectively to the United States Information Agency or the Director or other official of the United States Information Agency, as so redesignated by subsection (a).

(c) This section shall take effect on January 1, 1982.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING SHORT TITLE

SEC. 301. This title may be cited as the "Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 302. Subparagraph (A) of section 8(a)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)(A)) is amended to read as follows: "(A) \$100,300,000 for the fiscal year 1981, \$86,519,000 for the fiscal year 1982, and \$98,317,000 for the fiscal year 1983; and".

TITLE IV—MISCELLANEOUS PROVISIONS

INTER-AMERICAN FOUNDATION

SEC. 401. (a) The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is amended by striking out "\$25,000,000 for each of the fiscal years 1979 and 1980" and inserting in lieu thereof "\$10,560,000 for the fiscal year 1982 and \$12,800,000 for the fiscal year 1983".

(b) Section 401(h) of that Act (22 U.S.C. 290f(h)) is amended by striking out "actual and necessary expenses not in excess of \$50 per day, and for transportation expenses" and inserting in lieu thereof "travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code".

SCIENTIFIC EXCHANGE ACTIVITIES WITH THE SOVIET UNION

SEC. 402. (a) Prior to renewal of the General Agreement on Contacts, Exchanges and Cooperation between the United States and the Union of Soviet Socialist Republics, and prior to resumption of high-level meetings or of planning for future exchange activities or to increasing significantly individual exchange activities pursuant to the eleven agreements for cooperation in specialized fields which were entered into by United States and the Union of Soviet Socialist Republics between 1972 and 1974, or by June 1, 1982 (whichever occurs first), the Secretary of State shall submit to the Speaker of the House of Representatives and chairman of the Committee on Foreign Relations of the Senate a report containing—

(1) an assessment of the risk of the transfer to the Soviet Union of militarily significant technology through research, exchanges, and other activities conducted pursuant to those agreements; and

(2) a detailed description on the exchanges and other activities conducted pursuant to those agreements during fiscal year 1979, fiscal year 1980, and fiscal year 1981, including—

(A) the areas of cooperation,

(B) the specific research and projects involved,

(C) the man-hours spent in short-term (less than sixty days) and long-term exchanges,

(D) the level of United States and Soviet funding in each such fiscal year, and

(E) an assessment of the equality or inequality in value of the information exchanged.

(b) The Secretary of State shall prepare the report required by subsection (a) in consultation and cooperation with the Secretary of Defense and the heads of the other agencies involved in the exchange and other cooperative activities conducted pursuant to the agreements described in that subsection.

(c) No funds appropriated for the Department of State or the International Communication Agency may be obligated or expended after June 30, 1982, to finance any long-term scientific or technological exchange between the United States and the Soviet Union, including any long-term scientific or technological exchange program of the United States-Union of Soviet Socialist Republics Graduate Student/Young Faculty Exchange or of the United States-Union of Soviet Socialist Republics Senior Scholar Exchange.

REPORT TO THE CONGRESS

SEC. 403. (a) Not later than sixty days after the date of enactment of this Act, the President shall prepare and transmit to the Congress a full and complete report on the total cost of Federal, State, and local efforts to assist refugees and Cuban and Haitian entrants within the United States or abroad for each of the fiscal years 1981 and 1982. Such report shall include and set forth for each such fiscal year—

(1) the costs of assistance for resettlement of refugees and Cuban and Haitian entrants within the United States or abroad;

(2) the costs of United States contributions to foreign governments, international organizations, or other agencies which are attributable to assistance for refugees and Cuban and Haitian entrants;

(3) the costs of Federal, State, and local efforts other than described in paragraphs (1) and (2) to assist, and provide services for, refugees and Cuban and Haitian entrants;

(4) administrative and operating expenses of Federal, State, and local governments that are attributable to programs of assistance or services described in paragraphs (1), (2), and (3); and

(5) administrative and operating expenses incurred by the United States because of the entry of such aliens into the United States.

(b) For purposes of this section—

(1) the term "refugees" is used within the meaning of paragraph (42) of section 101(a) of the Immigration and Nationality Act; and

(2) the phrase "Cubans and Haitian entrants" means Cuban and Haitians paroled into the United States, pursuant to section 212(d)(5) of the Immigration and Nationality Act, during 1980 who have not been given or denied refugee status under the Immigration and Nationality Act.

SUPPORTING IMPLEMENTATION OF THE WORLD HEALTH ORGANIZATION VOLUNTARY CODE ON INFANT FORMULA

SEC. 404. (a) The Congress finds that—

(1) there is overwhelming scientific evidence that breastfeeding has substantial advantages for infant health and growth, that it offers an uncontaminated food supply, an early transfer of antibodies protective against infectious diseases, and a naturally evolved and tested nutritional source, and that it is an important factor in bonding between mother and child;

(2) numerous studies, in a wide variety of developed and developing countries, over a long period of time, have shown that artificial infant feeding is associated with higher rates of illness and death and, in poor communities, with lessened growth and nutrition;

(3) the problem of unrefrigerated infant formula prepared with polluted water and placed in inadequately cleaned bottles is further complicated by flies and heat in tropical climates;

(4) one hundred million of the one hundred and twenty-five million children in the world below the age of one are born in developing countries;

(5) ten million of these one hundred million children will probably not live until their first birthday;

(6) diarrhea and other infectious diseases, when combined with the problems of malnutrition, account for more than half of these deaths;

(7) the use of infant formula rather than breastfeeding is estimated to account for up to a million of these deaths per year; and

(8) at a recent meeting of the World Health Organization, the United States was the only country, in a one hundred and eighteen to one vote, to vote against a voluntary code to encourage breastfeeding and to curb inappropriate marketing and advertising of infant formula, particularly in the Third World.

(b) Therefore, the Congress—

(1) expresses its dismay at the negative vote cast by the United States on May 21, 1981, at the Thirty-Fourth World Health Assembly of the World Health Organization on the "International Code of Marketing of Breastmilk Substitutes";

(2) urges the administration to notify promptly the World Health Organization that the Government of the United States will cooperate fully with other nations in implementation of that code;

(3) urges the United States infant formula industry to abide by the guidelines of that code, particularly with respect to exports and the activities of subsidiaries in developing countries; and

(4) reaffirms the dedication of the United States to the protection of the lives of all the world's children and the support of the United States for efforts to improve world health.

The SPEAKER pro tempore. The gentleman from Florida (Mr. FASCELL) is recognized for 1 hour.

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the original bill after which H.R. 4814 was patterned was considered by the House on September 17. That is the authorization for the State Department as well as ICA, the Board for International Broadcasting, and the Inter-American Foundation.

After agreeing to 13 amendments the House failed to pass the bill. But H.R. 4814, which is now before us for consideration, is identical to H.R. 3518, except that it differs from the original bill in the monetary levels which have

been adjusted to reflect the administration's September revision of the budget.

So we have the administration's request in this bill for fiscal years 1982 and 1983. The administration now fully supports this bill.

That is basically where we are now. With this motion agreed to, we would be able to go to conference with the Senate bill which is now before us.

I might add that the Senate bill does not have the current figures; that is, the September figures. They have the previous figures of the administration request.

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So we will go to conference in that posture.

Now, there are many who have raised some questions with respect to funds for education and cultural programs, including my distinguished colleague and ranking minority member on the subcommittee, in a motion to commit with instructions that he plans to offer.

Let me point out to my colleagues that the cuts that were made in those programs, or proposed or agreed upon—I am not sure which yet—are internal allocations by OMB. These are not cuts which are proposed in this bill. As a matter of fact, I am violently opposed to the internal allocations of the cuts as suggested by OMB and the Director of ICA. I think it would be a disaster to allow those cuts to remain. Many of us have signed letters to the President and to the Director of ICA and to OMB, asking them to reconsider these cuts, because what they are about to do, if they insist on those allocations internally, is effectively to wipe out our cultural exchange programs around the world.

Now, most of us, if not all of us, are agreed upon the importance of those programs, and they should be continued.

I want to point out, also, that even if the House were to increase the amount of authorization, even to the extent suggested by my colleague, the gentleman from Illinois, it would still not guarantee that the internal allocations would not still hold. What has to be done, rather than vote for the motion to commit with instructions, is to make sure that the administration internally does not carry out the allo-

cations of the cuts in the manner in which they propose. There are a lot of other things they could do. They could, for example, prorate the cuts across the board. They could take it out of other moneys that are available to them. They could take it out of the radio construction account, where funds are not immediately needed. There are a lot of things that could be done.

But let me assure my colleagues who are concerned about this, and some of whom will speak on this issue, that we as a committee are aware of this problem, we are opposed to the allocations which unfairly target these programs for such large cuts. We will do everything we can to keep those programs alive.

As of right now, the appropriations bill affecting this account—and I want my colleagues to pay particular attention to this—when the House passed the appropriations bill, this matter was not before us. We did not have this problem. But the Senate appropriations bill was still being acted on in the other body. And just yesterday, the Appropriations Subcommittee in the other body dealing with this account increased the amount of money available to the ICA account. I want to repeat for emphasis to all of the Members who are interested either in the motion to commit with instructions or who are concerned about these programs—the Appropriations Committee in the other body has earmarked \$101 million for education and cultural affairs. And I would propose to my colleagues in the conference, when we go to conference on this, the authorization bill, that we would write language in the statement of managers making it absolutely clear that we are totally opposed to this irrational allocation of the cuts within the budget figures. I think that should handle the problem.

While I am in sympathy with what my distinguished friend, the gentleman from Illinois wants to do, I would urge my colleagues to vote against the motion to commit, stay with the authorization figures we have now got for 1982 and 1983, allow us to go to conference, and work out the best possible bill we can, with the guarantees on these programs.

I include the following:

Agency	(H.R. 3518—H.R. 4635) House floor levels		(H.R. 4814) Administration's (September) revised position		Difference	
	Fiscal year 1982	Fiscal year 1983	Fiscal year 1982	Fiscal year 1983	Fiscal year 1982	Fiscal year 1983
Department of State:						
Administration of Foreign Affairs	1,318,754	1,248,059	1,245,637	1,248,059	-73,117	
International organization and conferences	469,472	469,472	503,462	514,436	33,990	44,964
International commissions	22,508	24,759	19,808	22,432	-2,700	-2,327
Migration and refugee assistance	553,100	555,600	504,100	460,000	-49,000	-95,600
Science/technology agreements	3,700	3,700				
Subtotal, Department of State	2,367,534	2,301,590	2,276,707	2,248,627	-90,827	-52,963
International Communication Agency:						
Salaries and expenses	452,187	529,059	398,892	452,187	-53,295	-76,872
Salaries and expenses (special foreign currency program)	11,451	13,398	9,110	11,451	-2,341	-1,947

Agency	(H.R. 3518—H.R. 4635) House floor levels		(H.R. 4814) Administration's revised position		Difference	
	Fiscal year 1982	Fiscal year 1983	Fiscal year 1982	Fiscal year 1983	Fiscal year 1982	Fiscal year 1983
East-West Center	16,880	19,750	14,854	16,880	-2,026	-2,870
Radio construction	80,884	94,298	71,178	1,822	-9,706	-92,476
Subtotal, ICA	561,402	656,505	494,034	482,340	-67,368	-174,165
Board for International Broadcasting	98,317	115,031	86,519	98,317	-11,798	-16,714
Inter-American Foundation	12,000	20,000	10,560	12,800	-1,440	-7,200
Total	3,039,253	3,093,126	2,867,820	2,842,084	-171,433	-251,042

SECTION-BY-SECTION ANALYSIS OF H.R. 4814

SECTION 101: SHORT TITLE

This section provides a short title for the Department of State provisions.

SECTION 102: AUTHORIZATIONS OF APPROPRIATIONS

This section provides the authorized funds for the Department of State to carry out its functions and responsibilities:

- (1) Administration of Foreign Affairs: \$1,245,637,000 for fiscal year 1982. \$1,248,059,000 for fiscal year 1983.
- (2) International Organizations: \$503,462,000 for fiscal year 1982. \$514,436,000 for fiscal year 1983.
- (3) International Commissions: \$19,808,000 for fiscal year 1982. \$22,432,000 for fiscal year 1983.
- (4) Migration and Refugee Assistance: \$504,100,000 for fiscal year 1982. \$460,000,000 for fiscal year 1983.

SECTION 103: PALESTINIAN RIGHTS UNITS

This section states that the U.S. assessed contribution to the United Nations shall be reduced to reflect our desire not to fund any activities of the two U.N. Palestinian Rights Units. As the U.S. contributes 25 percent of the U.N.'s assessed budget, this section would reduce the U.S. contribution by 25 percent of the budgets of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Unit on Palestinian Rights, representing the U.S. assessed contribution for these organizations.

The Committee is aware that all assessed contributions are directed to a U.N. general fund and that the U.S. cannot direct the subsequent use of these funds. Therefore, although our total contribution is reduced, the budget of the Palestinian Rights units may not be reduced in kind. The resolution is, however, a signal of our unwillingness to support the mandate of these organizations and our belief that neither the Committee on the Exercise of the Inalienable Rights of the Palestinian People nor the Special Unit on Palestinian Rights is an aid to the peace process.

SECTION 104: RESTRICTION ON CONTRIBUTIONS TO THE UNITED NATIONS EDUCATION SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)

This section directs that none of the funds authorized in Section 102(2) or in any other act of "International Organizations and Conferences" shall be used by the U.S. Government for payment of its assessed contribution to UNESCO if that organization implements any policy or procedure which would serve to restrict the free flow of information or to license journalists and impose any form of journalistic code of ethics.

SECTION 105: EX GRATIA PAYMENT

This section provides that \$81,000 of the amount appropriated under the Administration of Foreign Affairs account be paid ex

gratia to the government of Yugoslavia for injuries sustained by a Yugoslav national as a result of an attack on him in New York.

SECTION 106: ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

This section earmarks \$12.5 million in fiscal year 1982 and \$15 million for fiscal year 1983 for the resettlement in Israel of refugees from the Soviet Union and Eastern Europe.

SECTION 107: BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

This section authorizes \$3.7 million for each of the fiscal years 1982 and 1983 for the U.S. share of expenses for U.S. bilateral science and technology agreements with Yugoslavia and Poland.

SECTION 108: BUYING POWER MAINTENANCE FUND AND TECHNICAL AMENDMENTS RELATING TO CURRENCY FLUCTUATIONS

This authorization will provide the means for the Secretary of State, the Director of ICA, and the Board for International Broadcasting to maintain approved levels of activity under rapidly changing economic conditions. The section will provide budget authority to offset losses in other appropriations due to adverse fluctuations in foreign currency exchange rates or overseas wage and price changes unanticipated in the budget. Under the Buying Power Maintenance Fund for the Department of State, gains in other appropriations due to favorable movements in exchange rates in overseas wage and price fluctuations in those countries would be transferred to this appropriation to offset future losses.

This section also clarifies provisions of law enacted in 1979 to ensure authorization of the amount of appropriations necessary to offset the adverse fluctuations in foreign currency exchange rates in order to maintain the authorized level of expenditures approved by Congress for the Department of State, the International Communication Agency, and the Board for International Broadcasting.

SECTION 109: PASSPORT FEES AND PERIOD OF VALIDITY

This section would permit the Secretary of State to determine application and issuance fees for U.S. passports, in accordance with policy and standards now used in determining consular and other fees.

It would also extend the duration of passport validity from the present five year period, to a ten year period from the date of issuance. The Secretary of State may establish a shorter period of validity in particular cases or on a general basis.

SECTION 110: DOCUMENTATION OF CITIZENSHIP

This section provides that passports and the reports designated a "Report of Birth Abroad of a Citizen of the United States" shall be considered evidence of United States citizenship in the same manner as are certificates of naturalization or of citizenship.

SECTION 111: PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

This section deletes the \$200,000 annual limitation on the U.S. contribution to the Pan American Institute of Geography and History (PAIGH). The current level of the U.S. assessed share of contributions is \$274,005 which has been the assessment since 1979. This provision would permit the U.S. to pay the difference between past assessments (\$140,010 cumulative arrearages for 1979 and 1980) and the \$200,000 limitation.

The United States has been a member of the PAIGH since 1935. A specialized organization of the OAS, it promotes, coordinates and carries out scientific and historical research and transmits the results to government agencies and scientific groups in member countries.

In the United States, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Ocean Survey, the Geological Survey, the Bureau of the Census, the Defense Mapping Agency, and the Department of Defense, through its Inter-American Geodetic Survey, as well as numerous private groups and universities have participated in the activities of the Institute.

Through participation in PAIGH, the United States frequently receives scientific and technical data that would be difficult to obtain on a bilateral basis. These data help solve problems in such diverse fields as transportation, national defense, agriculture, and telecommunications. For example, PAIGH programs include the preparation of standards for a geomorphological map of the Americas which will be available to member countries, and the updating of annotated indexes of aerial photograph work and topographic and natural resource maps.

SECTION 112: INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW AND THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

This section would provide legal authority for the United States to pay arrearages in its assessments for 1979 and 1980 and will permit full payment of anticipated assessments in 1981 and beyond. The fiscal year 1982 estimated assessment for the International Institute for the Unification of Private Law is \$50,500. The estimated fiscal 1982 assessment for the Hague Conference on Private International Law is \$77,100.

SECTION 113: PAN AMERICAN RAILWAY CONGRESS

This section would provide legal authority for the United States to pay its 1981 assessment, and to meet future assessments, for its participation in the Pan American Railway Congress, by lifting the existing \$15,000 ceiling on U.S. annual contributions. The estimated fiscal 1982 U.S. assessment is

\$22,500. This increase is the first such increase since the quota was raised to \$15,000 in 1971. No program growth is projected. The increase covers salary and price increases due to the effects of inflation.

SECTION 114: UNITED STATES REPRESENTATIVE TO INTERNATIONAL ORGANIZATIONS IN VIENNA

This section would amend the U.N. Participation Act of 1945 to enable the U.S. to combine into a single mission the direction and management of its missions to International Organizations in Vienna. The U.S. now has representation to two units of the U.N. Secretariat, the International Atomic Energy Agency, and the U.N. Relief and Works Agency. Other UN organizations in Vienna include the UN Industrial Development Organization, the UN Fund for Drug Abuse Control, the Center for International Trade Law, and the Center for Social Development and Humanitarian Affairs.

SECTION 115: LIVING QUARTERS FOR THE STAFF OF THE UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS

This section amends the United States Participation Act of 1945 to authorize the appropriation of funds to be used for the lease or rental of living quarters for use of the staff of U.S. Representatives to the United Nations. This amendment is necessary to 1) cope effectively with the housing market 2) take advantage of the rent increase limitations imposed by the New York City Rent Stabilization Code, and 3) eliminate substantial expenses and insure that economic hardship does not adversely affect the ability of the Department to attract the best qualified individuals for service at the U.S. Mission to the United Nations. To reduce expenditure of appropriated funds, the payments made by employees to occupy these living quarters would be credited to and used by the appropriation account from which the apartment lease or rental is financed.

SECTION 116: AMENDMENTS CORRECTING PRINTING ERRORS

This section merely corrects printing errors in the 1980 printing of the Foreign Service Act of 1980.

SECTION 117: PRIVATE SECTOR REPRESENTATIVES ON UNITED STATES DELEGATIONS TO INTERNATIONAL TELECOMMUNICATIONS MEETINGS AND CONFERENCES

This section exempts from certain provisions of the Ethics and Government Act, private sector representatives who are asked to serve on U.S. Delegations to certain international telecommunications meetings and conferences. Under certain circumstances, the United States finds it useful and desirable to include representatives of the communications sector on official U.S. delegations to international meetings of such organizations as the International Telecommunications Union. Not only do these people provide needed technical expertise, but the decisions made at the international level in the area of communications are of direct concern to the U.S. private sector. However, without the exemption provided by this section, private sector representatives of such delegations, who are considered special government employees for this limited purpose, would be subject to criminal prosecution if they return to their private sector jobs after having served the government.

SECTION 118: PROCUREMENT CONTRACTS

This section authorizes the Department of State to enter into contracts for property and services on a multiyear basis for a period not to exceed 5 years. It is similar to

the authority provided for ICA in section 203(b). This provision should permit cost savings to the Department.

SECTION 119: COMPENSATION FOR DISABILITY OR DEATH

This section would exempt the Department of State from paying federal workmen's compensation insurance for employees working under contract for the Department or the Foreign Service. This would permit the use of local workmen's compensation plans, which currently cover such employees.

SECTION 120: REGULATION OF FOREIGN MISSIONS

Section 120 the "Foreign Missions" provision, amends the State Department Basic Authorities Act of 1956 by adding a new title II which establishes basic policies, and grants to the Secretary of State basic authorities concerning the activities and operations of foreign missions in the United States.

This new title is designed to provide a means to remedy a serious and growing imbalance between the treatment accorded by many countries to official missions of the United States abroad, and that accorded to foreign government missions in the United States. The Department of State does not currently possess authority to enforce reciprocity in an appropriate and effective manner, while other nations use devices, often called Diplomatic Service Bureaus, to provide services to the diplomatic community and to prevent or control direct contact by diplomats with individual service organizations.

Such bureaus perform many functions in the areas of housing, personnel, and the procurement of goods and services—even the provision of tickets for cultural and athletic performances. In the Soviet Union, all services to the diplomatic community are controlled through a service bureau. Many service bureaus even provide any foreign national hires which the diplomatic community may require—under contract to the bureau and at a pay rate set by the bureau. Each bureau is controlled by its Ministry of Foreign Affairs.

The problems caused by such controls, and by other foreign government policies, are many. In an increasing number of countries, for example, the United States is denied suitable locations for U.S. missions or long-term rights to property or facilities, often resulting in diminished security, excessive or discriminatory costs, or inadequate facilities which significantly reduce the effectiveness of the missions.

In the Soviet Union and Eastern European countries, the U.S. Government is barred from purchasing office and residential properties and is required to obtain all facilities and service through government-controlled sources. In many cases, these are either inadequate, excessively costly, or both, or they may be arbitrarily denied. On the other hand, in the United States, these governments are allowed to purchase both types of property in Washington, D.C. All own either office or residential space. Indeed, the Soviet Union is much farther along in building a new embassy complex in Washington, because they have been able to use private U.S. contractors to do the work. Phase 1 of the project, including living quarters, recreational facilities, a school, and medical building, is nearly complete. In Moscow, the U.S. Embassy complex foundation has almost been completed. Close U.S. supervision is required, while delays and

harassment commonly accompany the work, so that completion of the project is at least 4 years away.

In Kuwait, Bahrain, and the United Arab Emirates, the United States is allowed to purchase badly needed staff housing sites which would permit residential construction and elimination of exorbitant short-term lease charges. Yet these same governments own residential units in the U.S. capital area.

In Algeria, a prior expropriation of U.S. property remains unsettled. Present facilities used by the United States are completely inadequate. Efforts to secure long-term office and residential properties have been notably unsuccessful.

In Indonesia, the Government has decreed that the U.S. Government may no longer own its more than 20 properties and is now in the process of converting these to long-term leaseholds. The new groundrents will be considerable. Indonesia, of course, is free to buy, lease and sell property in United States.

In the Soviet Union, diplomats are charged much higher rates for hotel rooms than are other foreign citizens or Soviet citizens. In some cases, charges have been as high as 10 times the normal rate. In addition, a "fee" equal to 1 night's lodging is charged to diplomats, but not to tourists or Soviet citizens, for holding hotel reservations, which are always difficult to obtain anyway due to the shortage of hotel rooms. Regardless of the duration of stay, a diplomat is thus obliged to pay for 1 extra day of lodging.

In Chile, staff personnel are not permitted to sell imported cars unless they pay import duties. In Venezuela, these employees are restricted to Venezuelan-made cars. Thus, a communicator who brings into Chile an American car on a 2-year assignment and is then reassigned to Venezuela is faced with two problems. He cannot sell his American car in Chile and cannot import it into Venezuela.

In many areas of the world, both the U.S. Government and its employees encounter serious inequities regarding the import or export of privately owned vehicles and other personal effects. Nonetheless, employees of these government's foreign missions in the United States do not face these restrictions. Problems exist, for example, in Mexico, Venezuela, Singapore, Guatemala, and at many embassies in the Near East. At the same time, these countries' missions in the United States are allowed to acquire property and goods freely, are exempt from customs duties and local taxes, and may obtain benefits and public services, often without limitation.

The problem of taxation of diplomatic personnel has been particularly vexing. For example, although the Vienna Conventions on Diplomatic Relations and on Consular Relations extend to noncommissioned diplomatic and consular personnel assigned abroad certain protections from host government customs duties and local taxes, many host governments deny such exemptions at considerable extra expense to Foreign Service members. Since many of these people are at the lower end of the Foreign Service pay scale, this adds yet another burden to overseas service.

In Chile and Malta, the U.S. Embassy is not exempt from the payment of a gasoline tax of 48 cents and 25 cents per gallon, respectively. In Yugoslavia, the U.S. Embassy is required to pay a 27.5-percent tax on heating oil.

A number of countries also require a transaction tax on certain construction materials. One example is Portugal, where the imposition of this tax may greatly increase the cost of the new Embassy being constructed in Lisbon. In New Delhi, all Embassy administrative, support, and specialized staff such as Library of Congress personnel do not receive duty-free import privileges and are not exempt from customs inspection and the imposition of certain taxes, despite their performance of official functions for the United States.

In most cases, the Department of State lacks authority to impose similar restrictions or conditions on such countries in the United States. Instead, it can only take more extreme action such as barring the mission concerned from using property it may acquire denying all tax privileges to a diplomat, or declaring some persons persona non grata. These remedies constitute a form of overkill and are not appropriate for many situations, so they are rarely used.

The new foreign missions title would remedy this situation by providing the Secretary of State with additional authority and the means to enforce reciprocity in a manner appropriate to the specific problem—to "make the punishment fit the crime." The establishment of such an Office of Foreign Missions builds on the successful experience of other countries. It permits the flexibility essential to the changing requirements of reciprocity. It is the committee's hope that enactment will result in improved reciprocity and an end to unreasonable restraints on foreign missions here and abroad.

Section 120 specifically provides a mechanism whereby the operations of foreign missions in the United States and the benefits available to them from Federal, State, and local authorities, public utilities, and private persons may be reviewed and, if necessary, regulated through a central authority. In this way, the conditions under which foreign missions operate in the United States can be made to reflect the conditions under which missions of the United States are required to operate in the countries represented by such foreign missions. As a result, the foreign governments and entities represented by missions in the United States will have an incentive to provide fair, equitable, and nondiscriminatory treatment to U.S. missions and personnel in their territories. This, in turn, will contribute to significant savings in the costs of operating U.S. missions overseas, improved morale and working conditions for U.S. personnel, and mutual respect in U.S. bilateral and multilateral relations. These new authorities may also be applied to international organizations to a limited extent where necessary to give effect to the policy of this legislation.

These new authorities will also enhance the ability of the United States to assist foreign missions in obtaining benefits to which they are entitled under appropriate international treaties and bilateral agreements. It is the committee's hope that many obstacles will now be removed which have in the past hindered the Department of State in responding effectively to the needs of foreign missions.

Foreign mission activities in the United States are presently regulated in significant ways by treaties and other international obligations of the United States, such as the 1961 Vienna Convention on Diplomatic Relations. Certain mission activities are now subject to domestic regulation under existing Federal laws such as the 1978 Diplomat-

ic Relations Act and the 1976 Foreign Sovereign Immunities Act. Foreign missions and their personnel are admitted into the United States only with the approval of the U.S. Government, and may be required at any time to depart the United States.

Thus, foreign missions and their personnel do not possess the status of private persons or organizations within the United States. In some cases their rights may be greater, and in some cases more limited.

The privileges of entry into the United States, and the authority to conduct activities in the United States, which clearly may be withheld altogether, will be subject to a wide range of conditions under the proposed legislation. Such regulation of foreign missions is squarely within the foreign relations power of the United States and, therefore, a proper subject for federal legislation.

The committee notes that, while this title is replete with discretionary authorities, they are intended to provide the flexibility, which the Department of State has not heretofore possessed, to enable the Secretary to decide which sanction or other response is most appropriate to solve a specific problem. These authorities are not to be used as an excuse for ignoring a problem for fear of affecting U.S. bilateral relations adversely. That consideration certainly never enters into the discriminatory treatment accorded the United States by certain other countries. The committee therefore expects the Secretary of State, acting through this Office of Foreign Missions, to use these authorities meaningfully and effectively. In this way, the United States will make it abundantly clear that it views seriously the international obligations of all states.

The committee also notes that this legislation is not intended to affect those protective services provided to the diplomatic community by the United States, including those provided by the U.S. Secret Service under the authority of section 202 of title 3, U.S. Code, with respect to foreign diplomatic missions, or under section 3056 of title 18 U.S. Code, with respect to a visiting head of a foreign state or government or certain distinguished foreign visitors. It is not the intention of this legislation to change in any way the authority or procedures of the U.S. Secret Service, nor to affect the basic policy of providing protection at a level which is commensurate with the need.

Section 120(a) designates the existing provisions of the State Department Basic Authorities Act of 1956 as "Title I—Basic Authorities Generally."

Section 120(b) provides for a new title II of that act to be designated "Authorities Relating to the Regulation of Foreign Missions." The remainder of section 120(b) contains the extent of the new title II, which consists of 12 sections:

SECTION 201—DECLARATION OF FINDINGS AND POLICY

Section 201 sets forth congressional findings and policies concerning the operations, activities, and obligations of foreign missions in the United States, and the international legal obligation of nations to provide assistance to missions within their territories.

Section 201(a) restates the established jurisdiction of the Federal Government over the operation in the United States of foreign missions and public international organizations and official missions to such organizations. Many aspects of the operations of such missions and organizations are already governed by Federal law, including the Diplomatic Relations Act (22 U.S.C. 254a-254c)

and the foreign missions title represents a further exercise of Federal jurisdiction in this regard.

Section 201(b) enunciates U.S. policy to support and facilitate the secure and efficient operation of U.S. missions abroad and of foreign missions and international organizations in the United States. It further declares U.S. policy to assist in obtaining appropriate benefits, privileges, and immunities for foreign missions and international organizations in the United States and to require them to observe corresponding obligations in accordance with international law. These statements do not represent a new policy. Rather, they reflect the purpose of this provision to improve the ability of the Secretary of State to give effect to existing policy.

Section 201(c) mandates the consideration of benefits, privileges, and immunities accorded to U.S. missions abroad in determining the assistance to be accorded to foreign missions in the United States in the specific application of the general policy enunciated in subsection (b). This element is reciprocity, while not necessarily determinative in all cases, is a key feature of the system envisioned by the foreign missions provision. The concept requires the Secretary of State to be cognizant of the treatment of U.S. missions and personnel in foreign countries and to take that treatment into account in determining how foreign missions are to be treated in the United States.

SECTION 202—DEFINITIONS

Section 202 defines terms used in the foreign missions title and specifies the role of the Secretary of State in determining their interpretation and applicability.

Subsection 202(a)(1) defines "benefit" to a foreign mission as any acquisition or authorization for an acquisition in the United States by or for a foreign mission, including such benefits as real property, public services, supplies, including maintenance and transportation, local staff, travel and related services, and protective services. The committee stresses that this enumeration is merely illustrative and not exhaustive. In fact, this provision explicitly grants the Secretary of State authority to designate what constitutes a "benefit" for purposes of this title. The committee notes that the term "utility" should be broadly construed to include gas, electricity, oil, telephone, trash disposal, water and sewer services, and the like.

Section 202(a)(2) defines a "chancery" as the principal offices of a foreign mission used for diplomatic or related purposes (e.g., consular functions), as well as annexes, ancillary offices, support facilities, and any building site for such purposes. This means, for example, that residences, recreational facilities, and warehouses acquired by a foreign mission would not be included in the term "chancery." It is intended that the term be construed to include only those structures, facilities, and sites used by a foreign mission to conduct its business in the United States.

Section 202(a)(3) defines "Director" as the Director of the Office of Foreign Missions in the Department of State. That office is established under section 203(a) below.

Section 202(a)(4) defines a "foreign mission" as any official mission to the United States involving diplomatic, consular, or other governmental activities of a foreign government or another foreign organization (other than an international organization) which has been granted privileges and im-

munities under U.S. law. In addition to traditional diplomatic and consular establishments, this term includes such special missions as that of the Commission of the European Communities and diplomatic liaison offices which have been granted privileges and immunities pursuant to special legislation (22 U.S.C. 288h). It could also be applicable to state trading organizations operated by some governments, to the extent that the trading organization performs governmental functions. The term includes both the personnel and property of the mission.

Section 202(a)(5) defines the term "real property" to include any right, title, or interest in or to, or the beneficial use of, any real property in the United States. This would include situations where property has been acquired, for example, by a separate corporation controlled by a foreign mission, or by an organization which intends to make such property available for activities of a foreign mission. The term not only includes rights acquired by purchase, but also interests acquired by lease.

Section 202(a)(6) defines "Secretary" to mean the Secretary of State.

Section 202(a)(7) defines "sending state" as the foreign government, territory, or political entity represented by a foreign mission. This is the term commonly used in international agreements concerning foreign missions, such as the 1961 Vienna Convention on Diplomatic Relations (23 U.S.T. 3227, TIAS 7502) and the 1963 Vienna Convention on Consular Relations (21 U.S.T. 77, TIAS 6820).

Section 202(a)(8) defines "United States" to mean the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States. This definition outlines the geographic application of the provision to make clear that it is intended to cover foreign missions situated in any such location and activities carried out in any such location.

Section 202(b) commits the interpretation and application of the terms defined in subsection (a) to the discretion of the Secretary of State. The provision is intended to avoid conflicting interpretations by different government agencies and courts and potential litigation that might detract from the efficient implementation of this title or might adversely affect the management of foreign affairs. A determination, for example, as to what constitutes diplomatic, consular, or related official activity, may affect similar determinations by foreign states concerning functions of U.S. missions abroad. Such determinations might also affect implementation of multilateral treaties. Accordingly, they should not be left open to diverse interpretations under the foreign missions title.

SECTION 203—OFFICE OF FOREIGN MISSIONS

Section 203 provides for establishment of a new office in the Department of State to administer the foreign missions provisions.

Section 203(a) directs the Secretary of State to establish the Office of Foreign Missions as an "independent office" in the Department of State. This Office is to be headed by a Director appointed by the Secretary, who will perform under the Secretary's supervision and direction. The Secretary is prohibited from delegating supervisory authority over the Director to any official below the rank of Under Secretary.

This organizational structure seeks to reconcile two competing policy interests. On the one hand, regulation of the operation of foreign missions in the United States is an

important aspect of the conduct of foreign affairs and should be directly under the supervision of the Secretary of State. On the other hand, this responsibility should not be imposed on the operating bureaus in the State Department which deal with foreign missions on substantive issues on a day-to-day basis. These concerns will be met effectively by placing responsibility in the State Department and, at the same time, precluding its exercise by the operating bureaus.

This new Office will also relieve the Office of Protocol of its often-conflicting responsibilities vis-a-vis foreign missions in the United States, and will enable it to discharge its proper responsibilities more efficiently and effectively. The committee expects, in particular, that certain responsibilities will be moved from the Office of Protocol to the Office of Foreign Missions, including such matters as: (1) The determination of eligibility and issuance of credentials of diplomatic, consular, and other foreign government officers and employees with respect to rights, privileges, and immunities; (2) advising and acting as liaison to State and local government authorities on diplomatic privileges and immunities and related matters; (3) providing certifications of the immunity status of individuals for use in court cases; (4) requesting waiver of immunity in appropriate cases; (5) assisting in the negotiations of consular conventions and other treaties and agreements involving rights, privileges, and immunities of foreign government missions and personnel; and (6) providing advice and assistance to diplomatic missions.

In certain areas, the Secretary may find it appropriate to permit sharing of responsibilities between the two Offices, but the committee expects the new Office to resolve the inherent conflict between protocol duties and those duties involving regulation of foreign mission activities. Appropriate liaison between the offices should assure that conflicts are minimized.

Section 203(b) identifies the major responsibilities that the Secretary may delegate to the Director, and authorizes the Secretary to assign other functions to the Director as the Secretary may determine necessary in furtherance of the policy of the foreign missions provision. The two specific responsibilities of the Director identified in this subsection are those of assisting Federal, State, and municipal agencies in ascertaining and according benefits, privileges, and immunities to foreign missions, and of providing or assisting in the provision of benefits to foreign missions. The manner of such assistance is dealt with in section 204 below.

SECTION 204—PROVISION OF BENEFITS

Section 204 contains the key provisions empowering the Secretary of State to implement the policy of the foreign missions provision by setting terms and conditions upon which benefits may be provided for any foreign mission. Additional specific authority to impose conditions on or to regulate the acquisition or use of real property is set forth in section 205 below. The committee does not intend either section to limit the authorities granted in the other.

Section 204(a) specifically provides authority for the Director to assist foreign missions, at their request, to obtain benefits. The Secretary of State may approve terms and conditions for such benefits.

The committee notes that this authority is intended both to enable the United States to exercise more effective control over the granting of privileges, immunities, and other benefits to foreign missions and to en-

hance the ability of foreign missions to conduct their representational duties in the United States.

Section 204(b) authorizes the Secretary to require a foreign mission to comply with such terms as the Secretary may establish in order to obtain or utilize any benefits or to take certain other actions. Alternatively, this subsection empowers the Secretary to require a foreign mission to obtain benefits from or through the Office of Foreign Missions. The Secretary is authorized to impose substantive and procedural constraints on the basis of reciprocity or otherwise, in accordance with the criteria set forth in paragraphs (1) through (4) of this subsection. These criteria include such matters as facilitating U.S. diplomatic relations, protecting the interests of the United States, assisting in the resolution of disputes affecting U.S. interests, or adjusting for costs and procedures imposed on missions of the United States abroad.

The committee notes that flexibility is desirable and necessary in the operation of this Office. Therefore, the committee has not mandated the concept of a quid pro quo for each individual case. Nevertheless, the committee stresses its intent that the new Office of Foreign Missions recognize and utilize the concept of reciprocity effectively.

Section 204(c) sets forth certain conditions which the Secretary may impose on foreign missions in order for them to obtain benefits. Section 204(c)(1) provides that a requirement may be imposed for a surcharge to be paid to the Director by a foreign mission for the receipt of any specified benefit, regardless from whom the benefit is obtained. This provision will enable the United States to adjust for the often arbitrary imposition of costs overseas, or to provide leverage in cases where exact reciprocity may not be available, or may be insufficient to induce appropriate treatment of U.S. interests abroad. The surcharge would be paid directly to the Office of Foreign Missions, over and above any other costs or conditions set by any contractor or other party with whom the foreign mission is involved in acquiring the benefit in question. Payment of the surcharge would be a condition precedent for the mission to be allowed to obtain or retain specified benefits from private or public sources. Thus, there would generally not be any direct effect on the terms or conditions set in private contracts or by persons providing benefits to such missions.

Section 204(c)(2) provides for a waiver of recourse by a foreign mission generally against any governmental authority, entity providing public services, or other person in connection with any action (including an omission) determined by the Secretary to be in furtherance of the purposes of the title. In the absence of such a provision, public agency officials, private party contractors, or persons acting for publicly regulated utilities, among others, could be exposed to suits challenging their authority to carry out such actions, or to suits for damages for complying with a requirement of the Secretary under the foreign missions title. Section 208(b), discussed below, provides further protection against suit in this regard.

Section 204(d) provides that the Secretary may designate the Director of the Office of Foreign Missions, or any other Officer of the Department of State, as the agent of a foreign mission for the purpose of executing the required waiver. This authority is necessary to assure that the U.S. person acting in

response to the Secretary's direction will not incur liability to a foreign mission.

Section 204(e) prevents the State Department from certifying the diplomatic status of more than two applicants per foreign mission who are seeking diplomatic license plates from local motor vehicle departments.

SECTION 205—PROPERTY OF FOREIGN MISSIONS

Section 205 recognizes that the location and use of foreign missions facilities in the United States and the process by which those facilities in the United States and the process by which those facilities are obtained, clearly affect the Federal interest, and have a direct impact on the security and adequacy of treatment of U.S. missions abroad.

Section 205(a)(1) authorizes the Secretary to require, in those cases in which he finds it appropriate, that a foreign mission provide notice prior to any acquisition, alteration, sale, or other disposition of any real property (as defined in sec. 202(a)(5)). The notice requirement could cover any beneficial usage of property, regardless of the means by which such right of usage is acquired, or whether acquired by the mission directly or by an employee or agent thereof, or by a third party. The Secretary then has 60 days within which to disapprove the proposed action and may establish conditions which, if met, will remove the disapproval. The Secretary may, in his discretion, shorten the 60-day period.

This procedure predates any further approvals which may be necessary from State or municipal authorities regarding zoning and related matters. The committee notes that this review procedure will be useful to State and municipal authorities as an additional indication of the acceptability of the proposed action. In view of the significant Federal interest involved, section 206 further governs the process by which location approvals are made in the Nation's capital.

Section 205(a)(2) defines acquisition for purposes of the section to include any action relating to real property such as acquisitions, alterations, additions, or changes in the purpose for which the property is used.

Section 205(b) authorizes the Secretary to restrict a foreign mission from using, or retaining, real property interests which are not acquired in accordance with this section, or which exceed limitations placed on real property available to the United States abroad. This subsection, together with section 204, is designed to provide necessary discretion for the Secretary to adjust enforcement provisions in order to take into account the many differing legal and political systems in other countries, as well as the necessary flexibility to take into account treatment accorded U.S. missions and personnel on related bilateral issues. In many countries, for example, foreign governments are not able to acquire title to property. The United States in such a case could obtain sufficient long-term lease rights for U.S. mission facilities in exchange for permitting the acquisition of property in the United States. Alternatively, the Secretary could require a foreign mission to limit its property interests in the United States to a specific term of years, or in some cases provide a right of reversion to the United States of such property, in the event that U.S. property rights or interests in the sending state were reduced or rendered less effective by acts or omissions of that state.

The committee wishes to stress in the strongest possible terms that, in its view,

the United States should seriously consider a blanket prohibition on the ownership of real property in the United States by any foreign mission whose country prohibits U.S. ownership of property. If the United States has no choice but to pay the higher costs of long-term or short-term leaseholds overseas because it is prohibited from purchasing property, the committee believes that the same treatment should certainly be reciprocated. Such a prohibition should apply to property owned on the date of enactment of this foreign missions title, as well as to future acquisitions.

The enforcement provisions of this section which may be applied against the foreign mission include the divesting of property or forgoing use of the property. The inclusion of specific enforcement provisions in this section, as compared with the general authority to impose conditions on foreign governments under section 204, is intended to assure that State and local real property laws not be construed to accord procedural or substantive rights which preclude implementation of the foreign missions title.

Section 205(c) is designed to assure that the Federal Government will be able to protect and preserve property of foreign governments under circumstances when a protecting power or other agent does not assume responsibility. In addition, this subsection authorizes the Secretary to dispose of such property after the expiration of a 1-year period from the date such foreign mission has ceased using the property for official activities. The right of disposition is intended to be exercised only in unusual cases where resumption of official activities is not likely to occur within a reasonable period of time, or where, for other reasons, the Secretary determines that it is not in the Federal interest to continue to preserve such property. Considerations such as the status of U.S. property interests in the country involved might also enter into such determinations.

SECTION 206—LOCATION OF FOREIGN MISSIONS

Section 206 will strike an effective balance between the interests of the federal government and the District of Columbia government in determining appropriate locations for foreign missions in the Nation's capital. The section provides for the establishment of the "District of Columbia Foreign Missions Commission," with members representing both the federal and city governments, and set forth criteria which promote a balancing of interests.

Section 206(a) recognizes that the location, replacement or expansion of foreign missions in the Nation's capital, and the procedures involved in determining these matters, has a substantial impact on Federal interests both in the United States and abroad. International legal obligations requiring each country to facilitate the acquisition of appropriate facilities for accredited foreign missions in the capital city of the host country cannot be subject to negotiation by the acts or omissions of local authorities.

Section 206(b)(1) creates the District of Columbia Foreign Missions Commission, comprised of the five members of the District of Columbia Zoning Commission and two additional members, who shall be the chairperson of the National Capital Planning Commission and a representative of the Secretary of Defense, in order to reflect the concerns of the Congress that decisions affecting important federal interests are made through a process which appropriately balances federal and municipal interests.

Section 206(b)(2) provides for appropriate compensation for the Chairman of the Na-

tional Capital Planning Commission during the period that individual is performing his or her duties on the Commission. The other members of the Commission are employees either of the District of Columbia or federal governments and therefore receive no additional compensation.

Section 206(b)(3) provides that personnel, space and facilities will be provided by the District of Columbia Government, as the Commission is a District of Columbia Government agency.

Section 206(c) requires establishment of areas within the District of Columbia in which chanceries may be located as a matter of rights, as is the case with many uses in current zoning practice. Security, representation and related factors necessitate that chancery uses be located in lesser density areas and generally in proximity to each other where possible. Security and representational functions also preclude in most cases general usage of higher density structures, such as office buildings, except for additional space needed from time to time to accommodate official activities which cannot fit into the main chancery facilities. The Committee also notes that areas devoted to higher density commercial or residential uses are in most cases inappropriate for low density chancery uses, and are well beyond the financial reach of 85 percent of the foreign nations accredited to the United States, and from whom the United States must seek appropriate space within their capitals.

Section 206(c) also specifically precludes discriminatory treatment of chanceries vis-a-vis other non-residential uses, by prohibiting limitations on chancery uses which are greater than those placed on other non-residential uses. For example, existing regulations in some cases preclude chancery uses while at the same time permitting all other office uses to locate as a matter of right without exception or limitation.

Section 206(d) requires that rulemaking procedures under the District of Columbia Administrative Procedure Act will be applicable to such determinations. Among other things, this insures notice and opportunity to be heard for interested members of the public.

Section 206(e) sets forth the criteria to be applied to determinations by the Foreign Missions Commission. The Committee notes that these criteria are in general usage today, but that in order to provide for effective implementation of this section, it is desirable to enumerate the criteria specifically.

Paragraphs (1) through (8) of subsection (e) set forth the criteria applicable to chanceries and chancery annexes which are intended to balance Federal and municipal interests. These criteria take into account the Federal interest, which involves international obligations of the United States and the accompanying security requirements involved as well as concern for the impact on local matters such as transportation, housing, and environment.

Subsection (e)(1) sets forth the standard of "adequate and secure facilities" which reflects one of the fundamental purposes of the Office of Foreign Missions and the international obligations of the United States.

Subsection (e)(2) reflects the need to continue to locate such missions in existing mixed-used areas, in which current uses already include institutions, commercial, or governmental activities, and residential uses. The obligation to provide security for

foreign missions dictates the need to locate these missions in proximity to each other and in areas of lesser density. The Committee notes that areas in which current uses are entirely residential would not become available for chancery use under this amendment, except for medium-high density or high-density apartment zones.

Section 206(e)(3) assures the continued application of historical preservation measures to facilities of foreign missions under regulations issued by the new Commission.

Sections 206(b)(4) through (6) relate to transit, parking, public facilities and services, and special security requirements. Section 206(b)(4) also constitutes a recognition that special security factors affect parking requirements, and that similar considerations are taken into account in connection with the location of United States facilities abroad.

Sections 206(b)(7) and (8) specifically provide for determinations of the general municipal and federal interests by the Mayor of the District of Columbia and the Secretary of State, respectively. Finally, the Commission is required to apply the criteria of Federal and municipal interests, historical preservation, the need for adequate and secure facilities, and adequacy of protection to other official property uses by foreign governments covered by this section.

Section 206(f) is intended to preserve the existing relationship between the National Capital Planning Commission and municipal authorities with regard to land use.

Section 206(h) is intended to assure that unreasonable burdens are not placed on chancery applicants, and that such applicants are not subjected to a process inconsistent with the conduct of official relations between nations.

Section 206(i) is intended to assure the establishment of an expeditious decisionmaking process, which will preclude overlapping and time-consuming proceedings which can result under existing law and regulations. It also emphasizes the Congressional purpose in enacting this section to assure proper facilities for foreign governments consistent with international obligations.

Section 206(j) places an obligation on the Secretary to promote compliance with reasonable code requirements, taking into account special security, communications and other factors involved in foreign government facilities in the United States, as well as with United States facilities abroad.

Section 206(k) is intended to clarify the right of the United States to intervene or bring an action concerning the activities of the new Commission, either on its own behalf or on behalf of a foreign government.

Section 206(l) provides "grandfather" rights with regard to existing chancery locations or uses. This subsection is necessary to protect rights and uses which were acquired prior to enactment of this section.

SECTION 207—PREEMPTION

Section 207 declares the preemptive effect of the exercise of Federal jurisdiction with regard to the conferring or denying of benefits (including the location or use of real property) which are regulated by this title. The exercise of Federal jurisdiction embodied in section 206 and the other applicable provisions of this title preempts the application of any other provision of law, to the extent that such other law is inconsistent. The committee wishes to emphasize, however, that the requirements of section 205 do not preempt municipal zoning and related requirements so long as those re-

quirements do not interfere with the exercise of the Secretary's authority under that section.

The language of section 207 would also have the effect of rendering unenforceable any rules or regulations of any Federal agency, to the extent that such rules or regulations would confer or deny benefits contrary to this title.

SECTION 208—GENERAL PROVISIONS

Section 208 contains general administrative provisions to enable the Office of Foreign Missions to operate as an adjunct of the Department of State, not affected by the day-to-day operations of the Department. It also provides protection for persons against liability for actions taken in good faith under this title. Protection is also accorded assets of or under the control of the Office of Foreign Missions.

Section 208(a) authorizes the Secretary to issue regulations to implement the policy of the title. These regulations will be controlling in determining the application of this title.

Section 208(b) provides protection against liability for persons acting in good faith to implement the title. This is intended particularly as a protection to private companies and individuals who would, in the normal course of doing business with foreign missions, be liable for breach of contract or other violations of duly constituted agreements. In all cases involving actions under this title by the Office of Foreign Missions, and good-faith compliance by any persons involved, it is the committee's intent that no liability should attach to those persons. Any problem which may be of concern to foreign missions in this connection, as in all others involving a country's bilateral relations with the United States, is to be directed to the Department of State.

The committee notes that the term "person" is intended to cover any juridical person, including any corporation or organization, as well as individuals. "Direction" by the Secretary is intended to include any official request for action or inaction.

This provision is derived from the Trading with the Enemy Act and the International Emergency Economic Powers Act and is to be construed as broadly as the corresponding provisions of those acts.

Section 208(c) provides the necessary authorities to hire personnel and acquire necessary services in order to meet the atypical needs of administering this title. The functions and personnel requirements of the Office of Foreign Missions may require a variety of employee services beyond the position descriptions generally available to the Department of State, and which could be required on an intermittent or temporary basis. Examples include property and zoning specialists, individuals to perform specialized liaison activities with State and local authorities or public utilities, or to provide travel or other services to implement constraints on foreign missions, and the like.

These services may be required on very short notice (e.g., 24 hours) as the need arises in reviewing activities of foreign government offices (such as consulates) which are located in a number of cities in the United States. Authority to respond rapidly is therefore basic to effective implementation of this title and to the efficient operations of the Office of Foreign Missions.

The committee wishes to stress that the effectiveness of this new Office will depend greatly on its structure and staffing patterns. It is vital that the Office be struc-

tured to be directly responsive to problems of U.S. missions abroad and domestic national security issues, and it should therefore be staffed to reflect these requirements. The committee expects that, to the extent practicable, members of the Foreign Service and individuals with related experience will be assigned to this Office. It is not, however, the committee's intention to place individual Foreign Service members in an awkward or hazardous position with regard to service in this Office and future assignments overseas.

Section 208(c)(1) authorizes the use of Federal employee services from other agencies with or without reimbursement. It is expected that available resources in the Federal Government will be used to the extent possible to reduce operating costs and maximize benefits. The committee encourages other Federal agencies to assist the Secretary to the maximum extent possible, consistent with the workload of the concerned agency. In many cases, such a detail or assignment (e.g., a zoning specialist from the Department of Housing and Urban Development asked to assist the Office of Foreign Missions with a matter in San Francisco) could prove to be useful experience for the employee, and therefore for the employee's agency.

Section 208(c)(2) provides authority necessary to acquire technical or professional services which may not reasonably be obtainable on a timely basis, or may not exist at all, within the Federal Government. This authority to obtain services is necessary due to the unusual personnel needs of this Office and the lack of adequate position descriptions to cover such personnel. The committee notes that such positions are lacking in the Federal Government because they are generally not needed on a long-term basis. The committee expects this authority to be used sparingly for temporary or intermittent services when they cannot otherwise be obtained within the Federal Government in a timely manner.

Section 208(d) provides authority for contracts for supplies and services, including personal services. This subsection contains flexible contracting authority necessary to meet the requirements of this title, which in some cases may not be covered by standard procedures for supplies and services for general office purposes. Furthermore, these needs cannot always be anticipated in time to permit the operation of normal advertising and procurement processes. In addition, security requirements may necessitate special procurement procedures in some cases.

The committee notes that the procurement laws generally applicable to government agencies are intended to cover the needs of those agencies for supplies and services at the taxpayers' expense. By contrast, the Office of Foreign Missions will, on many occasions, procure supplies and services for foreign missions which will be paid for by those missions. Unlike present practice, where the Secretary of State exercises little or no control over procurement of supplies and services for foreign missions, this new procedure will permit such control. An example of such a requirement would be the need to find a local employment service which a foreign mission would be required to use to hire local employees. The authority of this subsection will be used sparingly and will permit these unusual requirements to be met in a timely manner.

Section 208(e) provides authority to the Office of Foreign Missions to obtain property or services from, or provide services or as-

sistance to, other Federal agencies. This is intended to maximize interagency cooperation and to increase the efficiency and effectiveness of the Office of Foreign Missions.

Section 208(f) provides assurance that any assets held by or under the control of the Office of Foreign Missions will be exempt insofar as attachment, execution, and judicial process are concerned. This is necessary to assure that the functions of a foreign mission may not be interrupted by judicial process as a result of the Office's involvement with the interests of a foreign mission in the discharge of the Office's duties and responsibilities under this title.

Section 208(g) parallels the provisions of section 202(b) with respect to the authority of the Secretary to make determinations. This is necessary in order to avoid inconsistent interpretations or policies. This provision would not affect regulatory functions placed under this title in other agencies, such as the NCP.

Aside from the proceedings before the Commission, which necessarily involve full public participation, actions and determinations under this title are in most cases political in nature, involving considerations of foreign policy and national security. Therefore, this subsection also provides that, except for the procedural requirements under section 206(b) in connection with hearings and other proceedings before the National Capital Planning Commission, determinations otherwise required under the title shall be limited to a requirement to adhere to appropriate administrative processes established by the Department, or by other agencies or officials vested with such responsibility.

Section 208(h) provides that fiscal needs of the Office of Foreign Missions and funding procedures for implementation of this title will be managed by the Secretary of State as part of the Department's working capital fund, established by section 13 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2684). This method of funding and audit control under established procedures of the working capital fund is appropriate for activities for which procurement and fiscal requirements cannot be anticipated in advance or on a scheduled basis. In addition, the committee believes that because the funds received from foreign missions will be used to provide benefits to foreign missions, the use of the working capital fund offers a practical way for the Office of Foreign Missions to be responsive to changing requirements. Therefore, this subsection provides for the use of the fund in lieu of otherwise applicable procedures concerning receipts and expenditures by the Government. The committee will continue to monitor the operations of the working capital fund, as it has done in the past.

SECTION 209—APPLICATION TO PUBLIC INTERNATIONAL ORGANIZATIONS AND OFFICIAL MISSIONS TO SUCH ORGANIZATIONS

Section 209 grants authority to the Secretary to apply provisions of this title to international organizations or official missions thereto, where it is deemed appropriate to carry out the purposes of this title. This section recognizes the special relationship of the United States to the international organizations with headquarters in this country, and the separate international agreements applicable to that relationship.

Section 209(a) specifically authorizes the Secretary of State to make any provision of this title applicable to an international organization to the same extent that it applies to a foreign mission. The Secretary's deter-

mination will be made after consultation with the international organization.

The term "international organization" is defined in section 209(b) as a public international organization designated as such pursuant to the International Organizations Immunities Act or other law. For the most part such organizations are identified in Executive Order 9698, and subsequent Executive orders (22 U.S.C. 288 note). This definition also includes missions to international organizations which, although they usually represent individual sending states, are dealt with primarily in the context of relations between the United States and the international organizations. Because of the special responsibilities assumed by the United States as host to a number of international organizations, the general application of this to such organizations would be inappropriate. Nonetheless, the committee expects that particular provisions of the title will be applied to particular organizations if it is deemed necessary in order to carry out the policy of this legislation. The international obligations of the United States to assist and regulate the operations of international organizations are equally as important as the obligations attaching to missions of sending states accredited to the United States.

SECTION 210—PRIVILEGES AND IMMUNITIES

This section declares that nothing in this title, including the congressional declaration of findings and policy in section 201, is intended to amend or supersede international obligations undertaken by the United States or other obligations required by U.S. law in connection with the conduct of activities by foreign missions and international organizations. Constraints placed pursuant to this title upon the conduct of foreign missions in the United States are not to be incompatible with permission granted by the Federal Government to conduct diplomatic and related activities in the United States. It is expected that implementation of this title will encourage a proper balancing of treatment of the foreign missions involved and will, in fact, enhance the ability of the United States to discharge its international treaty and other legal obligations. Finally, the last sentence of this subsection prevents a waiver of immunity by implication, in a manner consistent with the Foreign Immunities Act of 1976 and the Vienna Convention on Diplomatic Relations.

SECTION 211—ENFORCEMENT

Section 211 applies to parties dealing with foreign missions, and limits enforcement by the Federal Government generally to equitable or other appropriate relief through the Federal courts. This section also provides notice to third parties of the possible invalidity or impairment of contract provisions entered into in violation of this title. In view of the large number of circumstances which could arise, it is necessary to leave to applicable judicial remedies the resolution of questions with respect to the enforceability and effect of contracts or performance thereunder which the Secretary finds are in violation of this title. The committee fully expects the Secretary of State to minimize the need for judicial remedy by making it clear that foreign missions should, as a normal practice, consult with the Office of Foreign Missions before making commitments or taking steps which may be reviewed by the Office. Since the process of consultation by a foreign mission with the Department is an integral aspect of bilateral relations today, this places no real

burden on foreign missions. Instead, it will afford greater protection to their operations, and should result in improvement of their representational activities.

SECTION 212—SEVERABILITY

Section 212 contains a standard severability clause. Inclusion of this clause is appropriate in view of the new authorities granted the Government and the resulting possibility of litigation. The foreign missions title is remedial in nature and is intended to provide redress in areas in which the Secretary of State finds that the Federal interest has been adversely affected. Thus, if a particular provision of the title or its application in a given case is held to be invalid, the remainder of the title or the application of its provisions will not be affected thereby. This will provide greater flexibility for a reviewing court to interpret broadly the provisions of the title in order to carry out its purposes.

Section 119(c) of the bill amends section 13 of the State Department Basic Authorities Act of 1956 to include the relevant functions in the foreign missions title as part of the State Department's working capital fund authorities.

The committee notes the receipt of favorable comments by the Department of State on the foreign missions title. The letter from Hon. Richard Fairbanks, Assistant Secretary of State.

DEPARTMENT OF STATE,
Washington, D.C., May 12, 1981.

HON. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: In response to your request, I am transmitting the comments of the Department of State on a proposed amendment to the fiscal year 1982 Foreign Relations Authorization Bill concerning the regulation of foreign missions.

The Department strongly supports this legislative proposal. The amendment would authorize the Secretary of State to regulate activities of foreign missions in the United States on the basis of an assessment of treatment received by United States missions abroad, as well as a review of national security issues. This will assist our country to redress the current imbalance that sometimes exists between treatment of United States missions abroad and foreign government activities here. This authority to regulate the conduct of foreign missions and their personnel in the United States is clearly within the Federal jurisdiction, and will contribute to the effective conduct of foreign relations.

Moreover, in a time of declining Federal budgetary resources, arbitrary or unreasonable increases in costs of operating United States missions abroad, imposed or permitted by foreign governments, increasingly limit the ability of our missions to perform their functions. In such cases, the ability to place restraints on foreign missions here in the United States may enable our government to deal more effectively with such problems.

In addition, the ability of the United States to meet its important obligation to assist foreign missions to obtain adequate and secure locations in the United States, as well as the need to obtain comparable treatment abroad, would be enhanced by the proposed legislation. An important link in this process is to strengthen the Federal role in determining acceptable locations for foreign missions within our country, and most importantly in the Nation's Capital. We be-

lieve this legislation carefully balances the need to accommodate the Federal interest with a process that weighs the municipal concerns as well.

Furthermore, interests of other federal agencies involved in ensuring the foreign mission activities in the United States remain within appropriate limits will also be enhanced by this proposed legislation.

The Department proposes several changes to the draft bill. These changes are not intended to alter the basic thrust of the legislation, but would enhance its implementation or provide clarification of the authorities therein.

First, we suggest that the term "independent" be eliminated from the first sentence of Section 203(a). That subsection with other sections of the bill, sets forth the authority to establish the Office of Foreign Missions and specifies the functions of the office. The term "independent" does not grant additional authority or limit the application of any other provisions of this proposed legislation, and is therefore unnecessary.

We believe Section 208(c)(1) should be modified by eliminating the clause "under contracts which may be renewed annually", and subsection (c)(2) eliminated in its entirety. These authorities are unnecessary, because the Secretary of State obtain necessary personal services under remaining Sections of the bill either through assignment or detail of federal employees, or by the employment of experts and consultants under the remaining portions of subsection (c)(1) and (3).¹

Finally, Section 208(h)(2) should be modified to eliminate the clause "Notwithstanding any other provisions of law". The remainder of that section provides specific statutory authority with regard to the disposition of revenues obtained under the bill. The "notwithstanding" clause is therefore unnecessary, and could raise difficult questions as to the effect on other laws concerning audit and fiscal control which are not intended to be affected by this provision.

In addition, we note that there are minor variations between this draft legislation and S. 854, a comparable bill introduced in the Senate. In particular, sections 204 (b) and (c) of the Senate bill have been combined in the House bill in order to make the criteria set forth in subsection (b) applicable in like manner to the authority granted the Secretary in subsection (c). We believe the text of the House bill will clarify and make consistent the criteria under which the authority granted the Secretary under Section 204 can be exercised.

The Office of Management and Budget has advised that from the standpoint of the Administration's program, there is no objection to the submission of this report.

Sincerely,

RICHARD FAIRBANKS,
Assistant Secretary
for Congressional Relations.

Section 120(d) contains amendments clarifying certain provisions of the Diplomatic Relations Act, which was reported by the Committee on Foreign Affairs and enacted by the Congress in 1978.

Section 120(d)(1) amends the definition of "members of a mission" in section 2(1)(A) of the Diplomatic Relations Act to add explicit

reference to members who, although not "diplomatic staff" (as that term is used in the Vienna Convention on Diplomatic Relations), have been granted equivalent status pursuant to law. This will avoid any questions about the rights and corresponding obligations under the act of the senior staff of nondiplomatic missions who, under special legislation, are accorded the same privileges and immunities as the senior staff of a diplomatic mission.

Section 120(d)(2) adds explicit reference to the mission itself in section 3(b) of the Diplomatic Relations Act which specifies that the Vienna Convention on Diplomatic Relations shall be the governing standard in the United States with respect to privileges and immunities for nonparties to the Vienna Convention. As presently worded, section 3(b) does not specifically refer to privileges and immunities such as inviolability of premises, which apply to the mission rather than to any individual member thereof.

Section 120(d)(3)(A) similarly adds an explicit reference to the mission itself in section 4 of the Diplomatic Relations Act, which authorizes more favorable or less favorable treatment in the United States on the basis of reciprocity. Like section 3(b), discussed above, section 4 of the Diplomatic Relations Act presently refers only to individuals, giving rise to the same questions of interpretation. These amendments to section 3(b) and 4 of the act are in accord with the State Department's interpretation of the present law and are merely designed to correct an earlier drafting oversight.

Section 120(d)(3)(B) also amends section 4 of the Diplomatic Relations Act to delete the reference to "any sending state." This will assure that section 4 applies to missions or entities other than "sending states," such as that of the Commission of the European Communities, which are also intended to be covered by the Diplomatic Relations Act.

Section 120(d)(4) amends title 28 of the U.S. Code, by making applicable thereto the definition of "mission" contained in the Diplomatic Relations Act, rather than the definition contained in the Vienna Convention on Diplomatic Relations. This broadening of the definition will eliminate the present unintended disparity between the "missions" which are obliged to maintain liability insurance under section 6 of the Diplomatic Relations Act and the "missions" whose insurers may be named as defendants in direct actions by accident victims.

Section 120(e) contains conforming amendments to sections 6 and 16 of the act of June 20, 1938 (Public Law 684, 75th Cong., 62 Stat. 797), in order to carry out the purposes of section 206 of the foreign missions title (sec. 119(b) above). That section vests authority in the National Capital Planning Commission over the location of foreign missions, under provisions similar to those applicable to the location of Federal buildings under section 16 of the 1938 act.

SECTION 121: REOPENING OF CERTAIN U.S. CONSULATES

This section defers the use of State Department funds for the establishment or operations of any new U.S. consulates overseas until certain specified consulates (Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia) are reopened. The provision would not affect ongoing construction or maintenance and security measures with regard to U.S. diplomatic facilities abroad. It would, however,

delay the opening of new consulates for the People's Republic of China and Brunei.

SECTION 122: UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATIONS

This section expresses the sense of the House and its concerns over proposed activities of UNESCO which threaten the free press and the free flow of information without denouncing UNESCO's entire program or jeopardizing the continued funding of beneficial programs.

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

SECTION 201: SHORT TITLE

This section provides a short title for the International Communication Agency provisions.

SECTION 202: AUTHORIZATIONS OF APPROPRIATIONS

This section provides authorization of \$494,034,000 for fiscal year 1982 and \$482,340,000 for fiscal year 1983 to carry out the functions and responsibilities of the International Communication Agency.

SECTION 203: CHANGES IN ADMINISTRATIVE AUTHORITIES

This section amends the U.S. Information and Education Act of 1948 to provide for certain changes in ICA administrative authorities.

Section 203(a) would enable the Director of the Agency to authorize the assignment of non-citizen as well as citizen employees of the U.S. to a foreign government at the request of that government.

Section 203(b) would authorize the Agency to enter into contracts for property and services on a multi-year basis for a period not to exceed five years when economies may be realized through long-term contracting. The section restricts the terms of any such contract to a maximum of five years and requires cancellation if Congress does not appropriate funds for the contract in subsequent years, with a cancellation payment to reimburse a contractor for the unrecouped portion of items such as startup costs that originally were to be prorated over the contract period. It is expected that this authority will result in significant cost savings to the Agency.

Section 203(c) would allow the Agency to acquire security vehicles or equipment which would help alleviate or meet terrorist threats against USICA employees and property overseas. This authority brings ICA's in line with authority previously granted to the Department of State.

Section 203(d) would grant ICA the authority to purchase a special "errors and omissions" insurance policy to meet any potential liability. Insurance rates are typically low for coverage relating to rights in creative or intellectual property. Current federal practice prohibits the Agency from signing standard indemnification agreements which most film studios and music companies require when granting ICA the use of film clips or recorded music, because of the uncertain and unfunded potential liability. Such agreements would protect the large studios from claims on further royalties resulting from ICA's use of the film.

Section 203(e) provides authority to the Associate Director's principal assistant to continue the duties of the Associate Director should he or she die, resign, become sick or absent, until a successor is appointed or until the Associate Director resumes the duties of the office.

¹ The subsections referred to in this paragraph have been revised subsequent to the committee's receipt of this letter. Former subsec. 208(c)(1) has been eliminated, 208(c)(3) revised, and 208(c)(3) renumbered as 208(c)(1).

Normally, the principal assistant does assume these duties on an acting basis in such circumstances. However, the Comptroller General has questioned the validity of actions taken by officials who occupy positions normally filled by Presidential nomination, unless legal authority is provided. This section would alleviate doubts surrounding the acting Associate Director's authority.

Section 203(f) would exempt USICA from pay federal workmen's compensation insurance for employees working on ICA's exhibits and performing arts exchanges.

As a result of a recent court decision, the law providing compensation for disability or death to employees at military bases outside the U.S. is applied to U.S. Government grants and service contracts—even when the contract is not related to the national defense. Therefore, performing arts groups on ICA-sponsored tours overseas must be insured under the more expensive Longshoremen's and Harbor Worker's Compensation Act, rather than using state or local worker's programs for which they already have coverage.

By exempting exchanges and international fairs or expositions from the label of "public works", they fall outside the purview of the Defense Base Act and the compensation program mandated by that Act.

Section 203(g) will allow funds to be appropriated to ICA (currently \$33 million) in order to liquidate notes held by ICA as a result of the Informational Media Guaranty program. This will involve no budget outlays.

SECTION 204: DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED "REFLECTIONS: SAMUEL ELLIOTT MORISON"

This section would allow for the dissemination within the United States of this ICA film, provided that ICA is reimbursed for any expenses involved.

SECTION 205: DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED, "AND NOW, MIGUEL"

This section provides for the release in the United States of an ICA film entitled "And Now Miguel".

SECTION 206: REDESIGNATION OF THE INTERNATIONAL COMMUNICATION AGENCY AS THE U.S. INFORMATION AGENCY

This section changes the name of the United States International Communication Agency to the United States Information Agency.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

SECTION 301: SHORT TITLE

This section provides a short title for the Board for International Broadcasting provisions.

SECTION 302: AUTHORIZATIONS OF APPROPRIATIONS

This section provides an authorization of \$100,300,000 for fiscal year 1981, \$86,519,000 for fiscal year 1982 and \$98,317,000 for fiscal year 1983 for the operations of the Board for International Broadcasting. The supplemental request for fiscal year 1981 is actually only \$600,000 in authorization due to the provisions of the continuing resolution for fiscal year 1981 which provided the remaining authorization.

TITLE IV—MISCELLANEOUS PROVISIONS

SECTION 401: INTER-AMERICAN FOUNDATION

This section provides \$10,560,000 in authorization for fiscal year 1982 and

\$12,800,000 for fiscal year 1983 for the operation of the Inter-American Foundation.

Subsection (b) provides, for the Board of the Foundation, the same authority possessed by other agencies to set travel expenses, including per diem, in accordance with civil service practice. The current restriction on the Board of the Inter-American Foundation is \$50 per day, which is unrealistic.

SECTION 402: SCIENTIFIC EXCHANGE ACTIVITIES WITH THE SOVIET UNION

This requires a report from the Administration, before it resumes the traditional scientific conference exchanges and other scientific activities (suspended after the invasion of Afghanistan), analyzing the national security risks which might be involved in the resumption of these exchanges. Secondly, this provision seeks to assure the mutual-ity of any exchange between the United States and the Soviet Union.

SECTION 403: REPORT TO CONGRESS ON REFUGEE COSTS

This section requires that the President prepare and transmit to Congress within 60 days a report which would evaluate the costs to federal, state, and local governments involved in the efforts to assist refugees, and Cuban/Haitian entrants within the United States and abroad.

SECTION 404: CODE ON INFANT FORMULA

This section expresses the sense of the House in support of the implementation of the World Health Organization Voluntary Code on Infant Formula.

1. Bill Number: H.R. 4814.

2. Bill Title: To authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

3. Bill Status: As introduced by Congressman Fawell on October 22, 1981.

4. Bill purpose:

TITLE I—DEPARTMENT OF STATE

Section 102 authorizes the appropriation of:

(1) \$1,245,637 thousand in fiscal year 1982 and \$1,248,059 thousand in fiscal year 1983 for Administration of Foreign Affairs;

(2) \$503,462 thousand in fiscal year 1982 and \$514,436 thousand in fiscal year 1983 for International Organizations and Conferences;

(3) \$19,808 thousand in fiscal year 1982 and \$22,432 thousand for fiscal year 1983 for International Commissions, and

(4) \$504,100 thousand in fiscal year 1982 and \$460,000 thousand for fiscal year 1983 for Migration and Refugee Assistance.

Section 107 authorizes the annual appropriation of \$3,700 thousand for each fiscal year 1982 and 1983 for Bilateral Science and Technology Agreements.

Section 108 authorizes the appropriation of such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates.

Section 109 changes the fees associated with the issuance of a passport from \$10 to a level determined by the Secretary of State. The section also extends the period for which a passport is valid from five to ten years.

Sections 111-114 amend legislation which permanently authorizes the appropriation of funds to various international organizations.

Section 120 establishes an Office of Foreign Missions as an independent office

within the Department of State and details the operations of the office. The section further authorizes the Secretary of State to transfer such amount, available to the Department of State, as may be necessary for operation of the office to the working capital fund.

Other sections of Title I further amend the Department of State Authorization Act, Fiscal Years 1980 and 1981, and other acts which govern the activity of the Department of State.

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

Section 202 authorizes the appropriation of \$494,034 thousand in fiscal year 1982 and \$482,340 thousand in fiscal year 1983 for the International Communication Agency.

Section 203 (f) provides for the liquidation of the Informational Media Guaranty Fund.

Other sections of Title II further amend the U.S. Information and Educational Exchange Act of 1948 and other acts which govern the activity of the International Communication Agency.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

Section 302 authorizes the appropriation of \$86,519 thousand for fiscal year 1982, and of \$98,317 thousand for fiscal year 1983.

TITLE IV—MISCELLANEOUS PROVISIONS

Section 401 authorizes the appropriation of \$10,560 thousand in fiscal year 1982 and of \$12,800 thousand in fiscal year 1983 for the Inter-American Foundation.

5. Cost estimate:

(By fiscal year, in millions of dollars)

	1982	1983	1984	1985	1986
Title I—Department of State					
Budget function 150:					
Authorization	2,256.9	2,226.2	(¹)	(¹)	(¹)
Estimated outlays	1,685.1	2,164.1	506.9	112.1	10.0
Offsetting receipts:					
Authorization	—73.2	—83.2			
Estimated outlays	—73.2	—83.2			
Budget function 300:					
Authorization	19.8	22.4			
Estimated outlays	18.7	22.1	1.4	(¹)	
Budget function 500:					
Authorization	73.2	83.2			
Estimated outlays	—35.3	—47.0	—47.0	—47.0	—47.0
Additional revenues					
Title II—International Communication Agency					
Budget function 150:					
Authorization	494.0	482.3			
Estimated outlays	349.4	476.7	114.2	36.1	
Title III—Board for International Broadcasting					
Budget function 150:					
Authorization	86.5	98.3			
Estimated outlays	83.9	95.4			
Title IV—Miscellaneous provisions					
Budget function 150:					
Authorization	10.6	12.8			
Estimated outlays	6.2	9.7	4.2	2.4	.8
Total:					
Authorization	2,867.8	2,842.1	(¹)	(¹)	(¹)
Estimated outlays	2,143.3	2,768.0	626.7	150.6	10.8
Additional revenues	—35.3	—47.0	—47.0	—47.0	—47.0

¹ Less than \$500,000.

² The \$73,200,000 and \$83,200,000 and authorizations for fiscal years 1982 and 1983, respectively, represent part of the Federal contribution to the Foreign Service Retirement and Disability Fund. Payments from the fund are independently determined and are not directly related to specific contributions.

6. Basis for estimate: This estimate assumes the enactment of this legislation by November 30, 1981, and the provision of the full amount authorized in subsequent appropriation acts.

Section 109 of Title I permits the Secretary of State to set fees on passports, which

are credited to miscellaneous receipts of the Treasury. This estimate assumes the Secretary will increase fees from the current level of \$10 to \$25, increasing revenues by \$35.3 million in fiscal year 1982 and \$47 million in each fiscal year 1983-1986. In addition to amounts explicitly authorized in the title, Sections 111-114 increased permanent authorization levels by approximately \$100 thousand in each fiscal year 1982-86. Because the Committee authorized specific amounts for these accounts in fiscal years 1982 and 1983, the authorized level is not affected in these two years. Although Section 121 establishes a new Office of Foreign Missions, within the Department of State, the Section does not authorize the appropriation of funds for the office. The office will operate on less than \$1 million in funds transferred from other accounts in the department of State. Outlays for the title were estimated by applying historical disbursement rates.

Amounts explicitly authorized to the International Communication Agency in Title II are estimated to outlay in historical patterns. Section 203 terminates outstanding financial liabilities associated with activity of the Informational Media Guarantee Fund prior to fiscal year 1967. This section liquidates \$12,767 thousand in principal and \$11,950 thousand in interest but has no net budget impact. Amounts explicitly authorized to the Board for International Broadcasting in Title III and to the Inter-American Foundation in Title IV are estimated to outlay at historical rates.

7. Estimate comparison: None

8. Previous CBO estimate: On May 12, 1981, CBO prepared a cost estimate for a Senate unnumbered bill, to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes. CBO prepared a cost estimate for H.R. 3518 as ordered reported by the House Foreign Affairs Committee on May 15, 1981 and as reported by the House Committee on District of Columbia on June 19, 1981.

9. Estimate prepared by: Joe Whitehill (6-2840), Willie Bradford (6-2686).

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

U.S. INTERNATIONAL COMMUNICATION AGENCY: DETAILED IMPACT OF 12 PERCENT ACROSS-THE-BOARD FISCAL YEAR 1982 CUT

The recently transmitted budget amendment reduced USICA's fiscal year 1982 estimates by \$67.4 million as follows:

	Fiscal year 1982 estimate	House appropriation bill	Amendment	Amended estimate
Salaries and expenses.....	\$453,286	\$448,286	\$ -54,394	\$398,892
Salaries and expenses ¹	10,352	9,800	-1,242	9,110
East-West Center.....	16,880	16,500	-2,026	14,854
Radio construction.....	80,884	25,000	-9,706	71,178
Total.....	561,402	499,586	-67,368	494,034

¹ Special foreign currency.

The International Communication Agency, the U.S. Government's most vital weapon in the arsenal of ideas, plays a strategic role in America's security. This "weapon of ideas" must be used effectively so that the alternative, military weapons, are not put to use. In this context, following a USICA presentation to the President and the NSC on August 17, 1981, the President directed the Agency to proceed immediately with "Project Truth," a program to counter

the extensive propaganda and disinformation campaign of the Soviet Union. Notwithstanding this and other important Agency national security responsibilities, the present budget emergency requires the Agency to reduce its activities in fiscal year 1982.

Over the last 15 years, USICA's funds have decreased by 30 percent in constant dollars. Even more damaging has been the decline in staff, our most critical resource, which has dropped by 35 percent from 11,604 to an authorized level of 7,513, over the same period. In the long term we do not believe that the Agency can, at the currently planned 1982 level, effectively carry out its enhanced national security role. Thus, in this present budget situation we have prioritized Agency programs to preserve to the maximum extent possible our staff resources and our basic program mechanisms, particularly the Voice of America, our field presence overseas, the Wireless File, and other support for the field. In the brief period of time available to consider resource alternatives, we have applied the reductions so that the Agency's basic structure is not permanently affected.

Therefore, as an emergency measure, we have allocated a major share of the reduction to the exchange program on the assumption that a significant part of this very valuable grant program can be deferred for a year or two and be rebuilt more readily than our more staff intensive programs. We regret the circumstances that necessitate this action, but feel it is preferable to a generalized cut back of many already weakened programs.

Even with this approach other programs are also affected adversely. We have applied reductions to field operations, principally to cut back on library operations and some smaller posts so that fixed costs can be reduced. Other reductions have been applied to planned technology improvements and transmission back-up systems and program support activities of the Voice of America. A substantial cut has been made in film and television programs, exhibits, and performing arts presentations.

Unfortunately, our accumulated reduction, which will now take USICA below \$500 million, have been in inverse relationship to the resources that the Soviets have been spending on the weapons of ideas, now in excess of \$2 billion per year. The pending amendment cuts heavily into our operating resources at a time when USICA's role has become more compelling.

Prior to the transmission of the September budget amendments, the House has passed the fiscal year 1982 appropriations bill, reducing USICA's request by \$61.8 million. As noted on the chart on page one, the House applied most of the cut, \$55.9 million, to the Radio Construction account inasmuch as those funds will not be required until fiscal year 1983.

The specific program cuts and their impact by program element follow:

Salaries and Expense (including Special Foreign Currency) (\$-55.6 million; -87 positions).

1. OVERSEAS MISSIONS (\$-3.4 MILLION; -73 POSITIONS)

A total reduction of \$3,384,000 and 73 positions will be applied to our overseas missions as follows:

Area	Positions	Funds
East Asia and Pacific.....	4	\$325,000
Africa.....	19	1,017,000

Area	Positions	Funds
North Africa, Near East, and South Asia.....	15	1,080,000
American Republics.....	18	605,000
Europe.....	17	357,000
Total.....	73	3,384,000

As a result of these cuts, we will close: (1) four country programs in Iraq, Mauritania, Benin, and Rwanda; (2) six branch posts in Chile, Ecuador, Venezuela, Colombia, and Brazil; and (3) the reading room in Auckland, New Zealand, the American center and library in Stockholm, Sweden, and six minimum distribution outlets in Africa. In total, 73 positions will be eliminated. Taken together, these and other program reductions in our overseas missions will further weaken our efforts to reach the successor generation and will curtail our operations in developing nations of the third world, a group that the Administration is very concerned about.

2. VOICE OF AMERICA (\$-1.8 MILLION)

The Voice of America's staff and program broadcast schedule will be maintained intact. However, VOA will be required to eliminate its high-frequency signal transmissions which presently back up the satellite circuits that feed programming to VOA's overseas transmitters. Subsequently, should a disruption in the satellite circuit occur, VOA literally would be off the air to major geographic regions of the world until the satellite circuits could be restored or until VOA could reactivate the high-frequency transmissions from one of its U.S.-based stations. Such disruptions could be critical to U.S. national interests in times of any international crisis or major world event. In addition, VOA will have to make major resource cuts in its central news and feature operations which service all of VOA's English and foreign-language broadcast operations. Program quality will suffer.

3. EXCHANGES (\$-44.4 MILLION)

As indicated above, the major portion of the fiscal year 1982 cut will be applied to grant-funded exchange programs in order to preserve essential Agency core-program operations. Specifically, the academic program will be cut by 53 percent (\$25,600,000); the International Visitor program, by 58 percent (\$11,500,000); and Private Sector programs, by 70 percent (\$5,400,000). Library and book programs, support to American schools overseas, and program direction will also be reduced by \$1,900,000.

The full impact of cuts of this magnitude, applied to institutions and individuals after the fiscal year has begun, is not possible to gauge at this time. The private organizations that perform the detailed exchange work for the Agency would be severely damaged. Some, in all probability, would not survive.

(a) Academic programs: A 53 percent cut in funds available for the Fulbright academic program will eliminate support for all but programs administered by Binational Commissions and programs with those countries, primarily in East Europe, with which the United States has bilateral agreements. Even binational commission programs will face reductions of some magnitude. We will retain active programs in only 59 of the 120 countries in which we now operate.

This cut will increase tremendously the ever-widening disparity between the number of academic scholarships awarded by the Soviet Union and the United States Governments, particularly in Third World coun-

tries. As a direct result of these cuts, the number of academic program grantees will be reduced by at least 40 percent. In addition, host country contributions to the program, currently at \$9 million, are expected to fall off sharply in response to the diminished American commitment, leading to a further significant decrease in the number of scholars exchanged. Important diplomatic relationships and goodwill built up over three decades will be damaged. This reduction in funds will eliminate the International Student Exchange (Georgetown) Project and the Humphrey Fellowship Program. Programs in 27 private organizations with many long term relationships will be dissolved. Funding for six major program agencies will be eliminated. This could cause as many as five of these agencies to close, with major impact on parent organizations such as the American Council on Education and the Institute of International Education. All Student Support Services to the more than 300,000 foreign students in the United States without U.S. Government financial support (such as counseling, orientation, and other programs to enrich their U.S. experience) will be terminated. The American Studies Program will be reduced to minimal materials support to Fulbright Commissions. Assistance to overseas schools will be drastically reduced with severe impact on the effectiveness of these schools as showcases of American educational philosophy and practice.

(b) International visitor program: The number of funded International Visitor program grantees will be halved from 1,500 to 750. In past decades, this program has been instrumental in introducing 33 current heads of state and government and many leaders in other fields to the United States in the formative stages of their careers. Programs in some 75 countries will be eliminated entirely and reduced substantially in the remaining 45. This will necessitate the elimination of support to 13 private agencies that arrange programs for individual grantees. We believe that three of these agencies will probably be forced to close.

Program support to the 1,600 visitors who travelled to the United States last year on non-U.S. Government funds will be eliminated entirely.

A network of some 750,000 volunteer, private sector, locally financed "citizen diplomats" in every part of the nation and nearly 100 U.S. communities has developed over three decades to assist the people who come under the auspices of our International Visitor program. Their programming and hospitality assistance make this a combined citizen-government effort, a contribution in-kind that has been estimated at \$15.5 million per annum. Without our catalytic role for these organizations and with the curtailment of visitor inflow, these volunteer organizations will begin to dissolve and will not be available again for future IV programming.

(c) Private sector program: The Private Sector Program's commitments under existing bilateral agreements and executive orders to such organizations as the National Committee on U.S.-China Relations, Asia Society, and the Council on Scholarly Communication with the PRC, will be reduced to 50 percent of the current level with significant implications on the ability of these organizations to achieve their objectives. Core private sector programs, such as Operations Crossroads Africa, American Council of Young Political Leaders, and Council on International Programs who play a signifi-

cant role in promoting citizen-to-citizen exchanges, will be reduced from half to two-thirds with support for some of the organizations being completely terminated. Overall, people-to-people exchanges will be reduced from 2,000 to less than 600. The Agency has made a general nation-wide solicitation of private non-profit organizations to participate in new projects and exchange initiatives which support U.S. foreign policy goals and objectives. All funds for these initiatives will be eliminated. USICA Private Sector grants provide "seed money" for these organizations to obtain private support, estimated by these organizations at a 5 to 10 fold effect.

4. PROGRAM AND MANAGEMENT SUPPORT (\$-3.4 MILLION, -14 POSITIONS)

Exhibits, fine and performing arts, films acquired to support our posts, and TV programs, reduced heavily in March, will be cut back again. Our in-house audio-visual production now is limited to videotape products covering current events and subjects relevant to the support of worldwide U.S. foreign policy interests and goals, with emphasis on the following USICA global themes: U.S. political and security policies, the U.S. economy and the world economic system, solving the energy problem, America in a changing world, and the arts, humanities, and sciences in America. The added cuts will significantly curtail this effort and will totally eliminate those dealing with American political and social values and products in support of USICA's cultural presentation program. Other cuts will eliminate fine arts exhibitions or performing arts tours in 30 countries and delay the showing of a major exhibition on the American Theatre.

In addition, efforts to update the Agency's technological base with text-editing, mini-computers, word processors and other advanced computer and communication technology will be curtailed or deferred.

These cuts will deprive both our Washington operations and field posts of valuable program and management support and make their tasks more difficult.

In addition to the specific program cuts outlined above, we will apply net built-in savings of \$2.6 million to the overall \$55.6 million Salaries and Expenses cut. These savings derive from international exchange rate gains, partially offset by added inflationary costs and other mandatory requirements for Agency activities.

East-West Center (\$-2.0 million)

Support to the East-West Center in Hawaii will be cut by over \$2.0 million. This would force substantial retrenchment within this valuable center of multi-national education, study and research. Specifically, the cut will result in substantial decreases in research efforts, dissemination efforts through the Asian/Pacific region, numbers of participants involved in our programs (cut 300 participants) and in financial contributions from the governments of Asia and Pacific Islands. More broadly, the reduction will weaken our effort to strengthen relations and understanding with the influential people of Asia and Pacific at the time when it is to the national interest to build and strengthen these cooperative relationships with the United States.

Radio Construction (\$-9.7 million)

The fiscal year 1982 construction requirements for the Botswana and Sri Lanka facilities, for which equipment valued at \$5.7 million has been procured, can be accommodated within the amendment cut of \$9.7 mil-

lion since these funds will not be required until fiscal year 1983.

Mr. WOLPE. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to my distinguished colleague, the gentleman from Michigan (Mr. WOLPE), chairman of the Subcommittee on Africa.

Mr. WOLPE. I thank the gentleman for yielding.

Mr. Speaker, I welcome the assurances that the gentleman from Florida has given with respect to the intentions of the full committee as we move this legislation through the conference committee process and the relevant appropriations committee.

With the gentleman's permission, though, I think it is important to lay out precisely what is at stake if in fact we fail in the effort to correct what the administration is now proposing.

Mr. FASCELL. I would welcome the gentleman doing that, and for that purpose I will be glad to yield the gentleman such time as he needs to make that point in the Record.

Mr. WOLPE. Very briefly, the \$44 million reduction in the educational and cultural program would mean a reduction in the number of foreign leaders and officials who are invited here as guests of the U.S. Government from 1,500 to 750; it would require the elimination of educational and cultural exchange programs in 61 out of 120 states around the world where the United States has previously maintained programs; it would virtually terminate American funding for the prestigious Fulbright scholars program in all but a handful of states and countries; it would terminate all support services for over 300,000 foreign students who need them in this country; it would force a number of very excellent and long-established private nonprofit service organizations in this country which administer and arrange schedules and programs for foreign visitors to sharply curtail their operations or to go out of business entirely.

As chairman of the Subcommittee on Africa, I am particularly disturbed, that these cuts would have the greatest impact and fallout in Africa.

Under the criteria that have been drawn up by the International Communications Agency, three of the four ICA operations which are slated to be closed around the world are in Africa. All of Africa's valuable Fulbright exchange programs would be closed down. Approximately 36 of the 40 U.S. educational and cultural exchange programs now operating in Africa would be completely eliminated. At least four of America's most important and respectable nonprofit organizations which are responsible for arranging these kinds of educational and cultural programs will either have to drastically cut back their operations or literally go out of business. I am refer-

ring to the African American Institute, the Phelps-Stokes Foundation, Operation Crossroads Africa, which may well have to shut down completely, and the Southern African education program, which is affiliated with the highly respected International Institute of Education.

In the past 3 years two examples demonstrate how our exchange programs have benefited the foreign policy objectives of this country.

In Zimbabwe, which achieved its independence less than 19 months ago, 5 of that country's 15 cabinet members were trained in this country under the very exchange programs which are being eliminated. Moreover there are some 25 other senior Zimbabwean members who have benefited and were no doubt influenced by their ability to spend some time in this country at a very modest cost to U.S. taxpayers. It has paid off with the creation of a moderate pro-Western government in Zimbabwe.

In Nigeria, which returned to civilian rule after 13 years of military government, our educational and exchange programs have also served us well. That nation's leaders adopted a constitution almost exactly like our own—in part because of the experience many of the drafters of Nigeria's constitution had while visiting this country, this Congress, and this House as official visitors of the U.S. Government.

I cannot think of any course of action that is more incongruent with American interests in Africa and throughout the Third World than the kinds of cutbacks that are now contemplated by the administration. I certainly hope that the chairman will be successful in his efforts in the conference committee and in his conversations with the administration to correct what I regard as a terribly grievous national mistake.

Mr. FASCELL. I want to thank the distinguished chairman of the Subcommittee on Africa. I agree with his assessment totally. I think it is not only unconscionable, I think it would be foolhardy to cut these programs to the extent that has been suggested. I would welcome his continued assistance both in the conference on this bill and in the conference on the appropriations bill, to make sure that these programs are preserved.

Mr. WOLPE. I thank the gentleman. Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Speaker, I am equally disturbed, as my colleague, the gentleman from Michigan and the Subcommittee Chairman for Africa, particularly in terms of the impacts of these cuts that provide opportunities for Africans and Americans to come together.

I think that the prioritization of these cuts is absolutely against our best interest in the continent of Africa. I hear what the gentleman from Florida is saying, that he would like to change these priorities. The question that I have is: Knowing that the Senate has already earmarked \$100 million in this area, what guarantees or what assurances can we have, those of us who share the kinds of concerns articulated by the gentleman from Michigan, that the priorities that have been listed by ICA will not be followed, whereas the concerns of Congress and our best interest in foreign policy will be followed? What guarantees do we have that that will take place?

Mr. FASCELL. I welcome the gentleman's inquiry, and I appreciate and fully understand his concern.

What we would intend to do in the conference is to write language in the statement of managers on the authorization bill to carry out what the gentleman is asking for.

The other thing that we need to do is to be sure that the conferees on the appropriations bill agree to the language that is already in the Senate report, so that it comes out of conference that way. I welcome the interest and the concern, and I ask the help of the Black Caucus in getting this message across also to the administration, so that we not only have the Congress directing it, but that we get the administration willingly to accept that direction.

Mr. GRAY. So what the gentleman is saying is that he will go with the Senate figure, the higher figure, and write specific language into that report that makes it very clear of the concerns for these programs that provide the opportunity for the exchange and for the cross-fertilization between our Nation and the developing nations of the world?

Mr. FASCELL. I tell my colleague, just speaking for myself—I cannot commit the conferees to anything, the gentleman can appreciate that—that I intend to work with the Senate figures in arriving at a program which will save these particular education and cultural exchange programs. We will suggest language in the statement of managers to save these programs.

Mr. GRAY. I think this becomes a very important point to those of us who historically have supported the State Department authorization bill, as well as the foreign assistance bill, and we see a movement that is cutting back on programs with regard to relations between this country and the developing countries of the world and, as the distinguished subcommittee chairman on Africa has pointed out, targeting primarily Africa.

Mr. FASCELL. I am opposed to that, too.

Mr. GRAY. As if there is a desire that there not be any relationship between Black Africa and America.

Mr. FASCELL. That would be extremely injurious.

Mr. GRAY. I think that would be absolutely disastrous.

Mr. FASCELL. Let me suggest this: The conferees are probably all right here, on the House side. We will work together to see that it gets done.

Mr. GRAY. I certainly would say that those are my reservations, and I know that many of my colleagues have those reservations. I would certainly hope that some mechanism could be devised so that those misguided priorities are not set in place.

Mr. FASCELL. Absolutely.

Mr. GRAY. And that the Department is clearly instructed that it is the desire of Congress not to have the allocation in this way, even though I understand what the process is, that we are selling the ceilings, but that we somehow clearly say to the ICA that we do not like these priorities, because otherwise I think that there will be those of us who cannot support this.

Mr. FASCELL. Let me commend the gentleman from Pennsylvania and to say that I also want to congratulate the Black Caucus for being so quick in picking up on this issue. We welcome their support. What the gentleman is saying is exactly why I cannot support the motion to commit by my distinguished friend, the gentleman from Illinois, who wants to do the same thing, simply because even if we change the numbers around, there is no guarantee that the internal allocation of the cuts would be affected. What we have to do, in short, is to lock it into the appropriations bill, as well as write our own instructions in the conference report on the authorization bill.

Mr. GRAY. In light of the fact that the appropriations bill has already been passed on this side, the only place we can do that now, as I understand it, is in the conference.

Mr. FASCELL. They have already done it in the subcommittee there. It is a conferenceable issue, just as it will be in the authorization bill.

Mr. GRAY. So, thus, the only place we can redirect these priorities, then, is in the conference committee on the authorization side and on the appropriation side.

Mr. FASCELL. And to that effort I look for the gentleman to help us get that done.

Mr. GRAY. Certainly the gentleman knows my commitment to these programs, and some of the other Members' commitments to these programs; however, I would want to say very clearly that we must have assurances that these programs are put in place and that the priorities that we see coming from the administration,

which are misguided as all the world could possibly have, do not take place.

Mr. FASCELL. I agree with the gentleman, and I give him my assurance verbally, I have done it in writing, and I will do it any other way I can.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. For the purposes of debate only, I yield to the gentlewoman from New Jersey.

□ 1315

Mrs. FENWICK. I thank my colleague for yielding and, I, too, rise to express distress about the cuts, in the scholarships particularly. I think that probably nothing has been more beneficial to the United States for a relatively small expenditure and more benefit to those who are paying for the whole thing, than have these scholarships. They have provided sympathetic leaders in different countries of the world, when we have very much needed such sympathetic leaders, among whom I may say was President Sadat himself.

I think that the bill provides a short-sighted division of the funds. I noticed that the scholarships will be cut by some \$67 million and it is one of the heaviest cuts in the whole appropriation. If I may, Mr. Speaker, at this point I would like to include in the RECORD some editorials, one from the New York Times and one from the Boston Globe on this subject.

I would like to refer also to the words of the distinguished dean of the Woodrow Wilson School of Public and International Studies at Princeton University, Dean Donald Stokes.

He told us:

These programs have brought this country more influence and good will in the world than any comparable outlay in taxpayer dollars since World War II. I am constantly struck in my contacts with government leaders in Europe, Asia, and Latin America, by how wide a reservoir of understanding these programs have built up over the years. We would be foolish in a time of increasing danger to buy so small a budget saving at so high a price in future good will.

The articles follow:

[From the New York Times, Oct. 28, 1981]

AMERICA SURRENDERS

The United States is about to launch a policy of unilateral disarmament in the worldwide contest of ideas. The Administration proposes cuts in the revised State Department authorization bill that would devastate educational and cultural exchange.

Like most departments, the International Communication Agency has been asked to absorb an additional cut of 12 percent in its 1982 budget. But instead of protesting or looking to its bureaucracy, it proposes that virtually the entire amount come out of educational and cultural programs.

Funds for exchange of students and scholars, for example, would be reduced from an already inadequate \$79 million to \$22 million. Academic exchanges with 61 countries would be eliminated altogether.

There would be no further support services for the more than 300,000 foreign stu-

dents who require them to remain enrolled in American universities. The 35-year-old Fulbright fellowships would end except in a few countries with special agreements.

And the number of promising leaders brought here by the International Visitor program would decline from 1,500 to 750, eliminating 75 countries entirely. This is the program that first showed American life in all its variety to 33 current heads of government.

All in all, the cuts would leave the Soviet Union the unrivaled champion of education and culture for most of the poorest nations of the world.

What a travesty for an Administration determined to spread its might and influence abroad. To so shortchange contacts and communication—including the export of books, art, music, theater and drama—will have serious enough consequences in the short term. In the long run, the loss in understanding and human ties would be devastating. The trashing of these programs proclaims a policy of brawn without brain.

[From the Boston Globe, Oct. 27, 1981]

INTERNATIONAL EXCHANGES

The idea that there is a national interest in encouraging programs for scholars and other cultural exchanges would seem to be nonpolitical and nonideological. The United States can best understand the thinking in other nations by sending skilled observers and by encouraging those countries to put their cultural exhibits on display here.

It is from this commonsense perspective that the proposal of the Reagan Administration to reduce radically the budgets for such exchanges in the next fiscal year seems so foolish.

Under the Reagan plan, spending on the justifiably acclaimed program of Fulbright scholarships would be reduced from \$48.1 million to \$22.5 million. Further, the program, which for 35 years has been administered by two private, nonprofit groups, would be brought directly under the wing of the federal government, a change which at some time in the future is certain to raise questions about the purpose of the scholarships.

The immediate consequence of the funding change, according to those who work with the program, will be a 40 percent reduction in the number of grants and the elimination of most programs in developing countries. Richard Berendzen, president of American University, told the New York Times that the cutbacks and restructuring "is coming very close to ending the Fulbright program."

Other exchanges are also sharply reduced by the Administration's proposed budget for the International Communications Agency which oversees such efforts. The agency's own international visitors program would be reduced 58 percent and assistance for international tours by students would be eliminated as would a new program to bring professionals from developing countries to the United States for advanced training. Funding for private exchange programs, such as Operation Crossroads Africa, would be slashed 70 percent, according to congressional aides who have studied the budget.

The State Department authorization bill which contains these cutbacks is scheduled to reach the House floor this week. The Reagan proposals for reductions in exchange programs should be rejected and, in fact, an effort should be made to secure a reasonable increase in authorized spending levels for such ventures.

President Reagan has said repeatedly in recent weeks that the United States is a model for how other nations, particularly those in the developing world, ought to structure their economies. Further, he has offered to send Americans anywhere in the world to see whether US knowhow can be applied there. He should be leading the charge to encourage international exchanges so Americans can better understand how other nations work and so that visitors can better appreciate the American model.

Mr. FASCELL. Mr. Speaker, let me thank the gentlewoman from New Jersey. She is a very valuable member of our committee and I agree with her comments and the comments of the editorials. I think it would be most unfortunate for the brunt of the necessary budget adjustments in ICA to be borne by our educational and cultural programs. I do not know of any finer programs anywhere for the dollar. They are of tremendous value to the U.S. Government.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I rise in strong support of the motion of the gentleman from Florida, the distinguished chairman of the Subcommittee on International Operations, and I commend him for his untiring efforts in behalf of the legislation that is before us.

The gentleman from Florida has already ably explained the purpose of his motion and the provisions of the proposed House amendment to the Senate bill. Many of our colleagues have asked me why we are following this procedure and why we did not bring the new version of the bill before the committee and to the floor for full debate under regular order.

As the gentleman from Florida has explained, the purpose of this procedure is to expedite the passage of essentially the same bill as the House considered last month in the form of H.R. 3815. This way we can go to conference with the Senate and come back with an authorization which will enable the Congress to urge the executive branch to restore the unfair cuts that it proposes to make in educational and cultural exchange programs.

Given this administration policy toward the Soviet Union, I cannot imagine a more incongruous defeatist attitude in the battle for the minds of the people around this world than the bureaucratic decision to reduce drastically, and in some cases eliminate, several vitally important educational and cultural exchange programs, particularly with African and other Third World countries. To that end, I have been joined by other members of the Foreign Affairs Committee protesting

this arbitrary and inadvisable budgetary action to the President, and will include a copy of that letter at the end of my remarks today.

Because the gentleman from Florida has ably explained the bill, I will not take the time of the House to review the provisions of H.R. 4814, which are essentially the same as those contained in H.R. 3518, as amended, on the House floor subsequent to its defeat on September 17.

Mr. Speaker, as far as the motion to recommit to be made by the gentleman from Illinois, Mr. Speaker, I basically agree with what he is trying to do, but committing the bill with his proposed amendment will not achieve his purpose which is to force the agency to restore the cuts allocated to the programs in question. The way to accomplish his purpose is to support the motion of the gentleman from Florida so that we can go to conference with the Senate, and work with the higher numbers for the ICA contained in the Senate version of the bill.

Therefore, I urge that the Members vote against the gentleman's motion to recommit with instructions and urge the Members on both sides of the aisle to support the motion of the gentleman from Florida.

The letters follow:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., October 28, 1981.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are writing to protest strenuously the Administration's proposed cuts in education and cultural exchange programs, funded under the budget for the International Communication Agency.

As you know, the Soviet Union has spent billions of dollars in the war for people's minds around the world. The budget for the International Communication Agency is less than one-half billion dollars, and the programs in education and cultural affairs total less than \$100 million. Furthermore, since 1967 the actual dollar value of those programs has decreased substantially due to inflation and exchange rate fluctuations. We can conceive of no more effective way of undermining the United States effort in this vital area. However, your comments in the past lead us to believe that you would find such a policy completely unacceptable and dangerous to the security of the United States.

As you know, this Committee is preparing to support your revised budget request for the Department of State, the International Communication Agency, and the Board for International Broadcasting for the next fiscal year. That budget request, in the view of many of our members, is insufficient to conduct an effective foreign policy effort which will protect U.S. national interests. However, recognizing your wish to bring the Federal Budget under control we are reluctantly supporting these figures at this time. We cannot however condone a bureaucratic decision to undercut the remaining strength of these congressionally mandated educational exchange programs. There are areas within the International Communication

Agency budget which can absorb your additional 12 percent agency cut which will not further decrease the already inadequate numbers of personnel, force the Agency to close posts, undermine the education and cultural exchange programs, or affect the Voice of America.

We therefore urge you to reconsider the allocation of this cut in a way which will avoid the destruction of a crucial area of our national security and relationships with other countries.

With best wishes, we are,

Sincerely,

WILLIAM S. BROOMFIELD,
Ranking Minority Member,
Committee on Foreign Affairs.

EDWARD J. DERWINSKI,
Ranking Minority Member,

Subcommittee on

International Operations.

CLEMENT J. ZABLOCKI,

Chairman, Committee on

Foreign Affairs.

DANTE B. FASCELL,

Chairman, Subcommittee on

International Operations.

HOWARD WOLPE.

BENJAMIN A. GILMAN.

LARRY WINN, JR.

L. H. FOUNTAIN.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes, for the purposes of debate, to the distinguished minority member of the Foreign Affairs Committee, the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Speaker, I want to associate myself with the remarks made not only by the chairman of the Foreign Affairs Committee, the gentleman from Wisconsin (Mr. ZABLOCKI), but by the chairman of the subcommittee, the gentleman from Florida (Mr. FASCELL).

First of all, I would like to thank both of them and the leadership for working so diligently with the minority leadership in bringing this bill to the floor today.

A lot of effort has gone into this compromise and I join in the opposition to the motion to recommit the bill. At this time I would like to advise my colleagues that I received a letter from Secretary of State Haig just moments ago, and I will read it.

The letter says:

THE SECRETARY OF STATE,
Washington, D.C., October 29, 1981.

HON. WILLIAM BROOMFIELD,
House of Representatives.

DEAR BILL: I want you to know that it is the uniform position of the Administration that we are strongly in support of passage of the State Department Authorization bill as it is now presented before the House today. We are, therefore, opposed to a recommitment with instructions. This is the view of not only this Department, but also of the international broadcasting entities and of the White House.

As this legislation moves toward final passage in the Congress, and during the course of the fiscal year, we will, however, consider the concerns for funding priorities within the international broadcasting agencies and make such adjustments as might be necessary administratively.

With warm regards,

Sincerely,

ALEXANDER M. HAIG, JR.

Mr. Speaker, I want to indicate to the Members of the House that I share the same concern as the gentleman from Illinois (Mr. DERWINSKI). However, as was pointed out by the gentleman from Florida, it is the responsibility of the administration through administrative procedures to make necessary adjustments among the various programs. Many of these areas have been sharply reduced at a time when we ought to be beefing them up.

I, therefore, oppose the motion to recommit and rise in support of the legislation as presented before the House today.

Mr. Speaker, the bill reflects the revised executive branch budget request, as agreed upon by the respective agencies affected and OMB. You will notice that the authorization amounts for both fiscal 1982 and 1983 are below the levels previously submitted to the House several weeks ago. The new amounts represent significant cuts for State, ICA, and BIB. Of great importance is that the bill is within the administration's overall budget limit. In fact, the bill is shockingly austere. It not only holds the line on needed new programs, but it cuts into existing functions to a degree that will severely strain the agencies to fulfill their objectives.

While I would prefer to see some growth in several areas, such as increased resources devoted to political and economic reporting by the State Department, I also realize that no department or agency can be exempt from shouldering its share of the burden if we are to reduce Government spending to overall sensible levels. It is, therefore, incumbent upon all of us to support the bill in its present form.

There is one area, however, concerning cuts in ICA, that I feel must be mentioned. This does not effect the bill's overall spending limits per se. It is, strictly speaking, an internal matter that concerns how ICA will implement their cuts. I share with the gentleman from Illinois (Mr. DERWINSKI,) his concern over cuts in the programs for Radio Free Europe, Voice of America, and Radio Liberty. There is another area that equally concerns me.

ICA has decided to severely cut back its exchange program. This program involves an academic component called the Fulbright program, an international visitor program, and a private sector program. I urge the Director of ICA to review the cuts he plans to implement in this area, with a view to more equitable sharing of the overall cutback burden. These exchange programs not only afford foreign policymakers, students, and busi-

ness leaders an opportunity to visit America and gain exposure to our way of thinking on crucial issues, and our broad philosophical approach to the world, but involve the voluntary input of some 750,000 Americans. This volunteer spirit, at no cost to the taxpayer, has made the program effective. It reinforces the President's own philosophy that much can and should be achieved in America through voluntary activity, rather than through Government mandate. At a time when the Soviet Union is spending many times this amount to influence foreigners with similar programs, at a time when the Third World is still fertile ground for ideas that foster either freedom or totalitarianism, I believe it is not in America's best interests for the Director of ICA to cut back our activities in these exchange programs.

On the broader questions of supporting House Report 4814, I fully endorse the bill, knowing that it represents significant cuts in line with the administration's program and in line with what we have been doing with other authorization bills. I encourage my colleagues to endorse the bill as well.

Mr. FASCELL. Mr. Speaker, I yield 20 minutes for debate purpose only to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. I thank the gentleman.

Mr. Speaker, at this time, I yield 5 minutes to the gentleman from California. (Mr. BURGNER).

Mr. BURGNER. Mr. Speaker, I want to speak about Radio Free Europe and Radio Liberty. I guess there are three ways to get at this to fund it properly. One would be the conference committee—and I am not sure how much latitude the conferees will have.

Another way would be the Derwinski motion to recommit.

Perhaps a third way would be a supplemental with proper authorization. The House will work its will on that a little later this afternoon.

But a tragic event occurred last February in a bombing in Munich, and this money to repair damage and provide security is essential, most essential. It is not a great deal of money. It is \$10 million in fiscal year 1982 and \$5 million in fiscal year 1983. Let me explain my involvement in this subject matter.

I am a member of the North Atlantic Assembly, appointed by the leadership of this House, along with some of my colleagues, and we have met our European counterparts on several occasions. I was elected Vice Chairman of the Committee on Education, Cultural Affairs and Information of the North Atlantic Assembly.

In the European meetings we deal with the free flow of information, part of which involves radio broadcasting. The three countries that are involved

in this are the United States—we have Radio Free Europe and Radio Liberty, DeutschWelle in Germany—they do broadcasting behind the Iron Curtain—and BBC, British Broadcasting Corp.

In Munich, just a few weeks ago, my colleagues and I spent a full day at Radio Free Europe and Radio Liberty. It is a most impressive organization with 1,000 employees.

They broadcast in 21 different languages and into the Soviet Union alone they broadcast in Russian and 14 other nationality languages that are spoken there. They broadcast 469 hours a week to the Soviet Union and 555 hours a week to Eastern Europe.

The Helsinki Accords demanded and the Soviets agreed to the free flow of information. Of course, they promptly negated their commitment and did not live up to the agreement.

The Soviets also broadcast all over the world. They broadcast far more hours than we do, and we do not jam or interfere with that. It is so ponderous and so dull and so heavily propagandized and slanted that almost nobody listens to it.

But who listens to ours and how do we know that? We have a pretty stable audience. Since 1977, about 40 million people per week or 15 million people a day, of which 4 million people are in the Soviet Union. How do we know this? Well, we know it because we interview visitors who come out of the Soviet Union, come out of the Warsaw Pact countries, and we interview them professionally and we ask questions and they are very sophisticated and very candid about what they hear and how important it is to them.

Now the Soviets are jamming these broadcasts and it is costing them a lot of money. The Soviets are paying \$250 million a year. It takes a lot of electricity, a lot of energy, and this next thing I am going to relate might interest the Members about what occurred in Poland just a few weeks ago.

There was a large sign in Poland during the Solidarity labor movement. The sign said, "Save energy, stop jamming Radio Free Europe."

Very, very important. We are getting through.

One Warsaw Pact country figured out how to stop us from doing this one time some years ago. It was in Czechoslovakia in 1968 before the Soviet tanks rolled in there. The way they stopped the Voice of America and Radio Free Europe and Radio Liberty was they broadcast the truth.

□ 1330

While the lid was off and they had the opportunity to broadcast the truth, the straight news as it was, there was no need, therefore, for anybody to listen to ours. That is fine. We would be delighted not to broadcast anywhere if people would tell the

truth. Well, unfortunately, they do not.

We are fairly low key with all this. We do not go into editorial comment. We present straight news. We broadcast straight news and music and it is very, very much listened to. What it does, among other things, it keeps the other world honest. You know, they did not even used to report incidents like an airplane crash in their own countries; but we report it. We do not say who was at fault or editorialize. We report that it happened. Now they are having to report some things that happened. They dare not fail to report.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. BURGNER. One of the reasons that we need full funding is because on February 21 a tragic event occurred. We have been doing this broadcasting for 30 years without incident until we had a bombing of our facility in Munich. Luckily, mercifully, no one was killed. Three people were seriously injured. It cost \$1½ million in immediate damage to the facility; but it is going to take \$3 to \$4 million to make these facilities secure. All these thousands of people, our employees, mostly are Europeans, of course, very fluent in all of these 21 languages that they speak with fluency, and they are entitled to protection. They are entitled to be safe in the very important work that they do on our behalf; so full funding for this purpose is absolutely essential. How we accomplish it, I am not prepared to say; but in fiscal year 1982 and in fiscal year 1983 I believe we absolutely must, because the truth shall make us free and hopefully, eventually, all of them.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. COLEMAN).

Mr. COLEMAN. Mr. Speaker, I rise in support of S. 1193.

Today we are considering passage of funding for the prime instrumentalities of U.S. foreign policy. It is a bill sharply reduced from the one which we considered several weeks ago. The State Department, as have all of our Government agencies, has felt the budget ax.

We have before us a streamlined bill, pared of fat. I urge support of this measure for two reasons: First, it meets the budgetcutting criteria; and second, it is needed more than ever in this time of increased global tension.

There are a number of specific points I would like to make about this bill:

First, this bill is not the foreign aid bill. We will deal with this controversial bill separately at a later time.

Second, I, am however, concerned about the limited funding proposal contained in this legislation for the Board of International Broadcasting and the International Communication Agency. These agencies are the prime means that we in America have to share our views with people in the Communist nations. The Voice of America, Radio Free Europe, and Radio Liberty are all funded in this bill. These radios are invaluable in America's efforts to spread the truth to the people of the Soviet Union and Eastern Europe. In these times of increased Soviet propaganda, disinformation, and in many cases outright lies, these stations are more important than ever.

If one has been reading the newspaper reports about the so-called peace demonstrations in Europe, one is immediately struck by how aggressive the Soviet propaganda effort has been—and perhaps more disturbingly, how many of these half truths and and untruths have been believed by some Europeans. We must combat this campaign to discredit the United States. These radios are one of the most important ways to do this.

Finally, I would also like to note that while I support this bill, and support the budgetcutting philosophy which has been applied to it, I must admit that I am also very disturbed by the major cuts made in our Nation's international education exchange programs. For all the reasons I have noted already, I feel that there is an urgent need to dispel the fabrications being sowed by the Soviet Union about the United States of America. A most important way of doing this is through international exchange programs which give foreign students and scholars an opportunity to travel to the United States and learn for themselves exactly what life is like in the United States. These programs also offer American students the opportunity to go abroad and learn about foreign cultures and societies. This knowledge is invaluable to America, whose concerns and interests are global in nature.

Despite these problems, I nevertheless support S. 1193 because I feel that its passage is vitally important to our Nation and its national interest.

Mr. FASCELL. Mr. Speaker, I yield 5 minutes for purposes of general debate to the distinguished gentleman from Michigan (Mr. CROCKETT).

Mr. CROCKETT. Mr. Speaker, when the debate on this bill began, it was my position that I would oppose the bill and that I would vote in support of any motion to recommit.

I am opposed to the administration's proposal that we cut another 12 percent from the appropriation for the

State Department and I am opposed to what I understand is the administration's position that the entire 12 percent should be taken out of the cultural and educational aspects of the State Department appropriation.

I have listened, however, very carefully to the presentation made by the chairman of my Foreign Affairs Committee, the gentleman from Wisconsin, and by the chairman of my subcommittee, the gentleman from Florida, and by the chairman of my second subcommittee, the gentleman from Michigan. Based on their assurances that every effort is going to be made at a conference in order to protect the interests that I feel the American people have and should continue to have in expanding our cultural and educational contacts, particularly with Africa, I want to identify myself and to associate myself with the comments made by my three chairmen.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from Delaware (Mr. EVANS).

Mr. EVANS of Delaware. Mr. Speaker, I rise in strong support of this bill to authorize funding for the State Department for fiscal years 1982 and 1983.

I think it is appropriate to note that our Nation's foreign policy is beginning to turn away from a rather inconsistent, incoherent, and often erratic past, and is moving toward a new era of firmness and clarity which has already resulted in greater respect for America around the world.

It also strengthens greatly the cause of peace and stability in the world when we are more consistent. I do not mean to imply that we have reached Utopia, by any stretch of the imagination, but we are, I believe, heading in the proper direction.

It is important to note here, too, that this legislation does provide necessary funding to carry out the administration of our foreign policy by the State Department. There are some in this body and many around the United States, I feel, that probably do not think we ought to have a State Department. Some feel that we could put up a wall around the United States of America and exist in isolation. This is totally impractical but suffice it to say that in the increasingly smaller and interdependent world in which we live it is extremely important to promote better understanding rather than less.

I believe that is vital if we are to strengthen the cause of peace and security in the world.

Communications is the key to that better understanding, personal communications where it can be effective, and where this is not possible, communications by Radio Free Europe and Voice of America and Radio Liberty. That is one of the reasons why this bill is so critically important, because it does contain funding for these all

important international broadcasting efforts.

I believe it would be incredibly foolish in these times for us not to increase our efforts in getting our message across.

I think at times we do not fully comprehend what we mean to freedom-loving people all over this globe.

Let me share with you an occasion that happened in June 1980. I had just introduced an amendment to increase funding for the Voice of America. I was called to the side door here and a gentleman who was a graduate student at one of our universities here, came up with tears in his eyes. He said, "Congressman, you don't know what it means to us and to my countrymen to know that America cares about our freedom."

There are other places on the globe that are having difficult times today, and I think it would be spectacularly ill-timed if we do not proceed with funding for our broadcast efforts now. I speak, of course, of our friends in Poland. We need to send them a message of hope, a message that we care about their struggle for freedom, a message that the people of America, I know, fully support.

I would like to also say that these broadcast efforts are an integral part of our national defense program. President Reagan, when he was campaigning in Illinois on March 17, 1980, said as Governor Reagan then, that we needed to reemphasize our efforts on behalf of Radio Free Europe, Radio Liberty, and Voice of America.

The SPEAKER pro tempore. The time of the gentleman from Delaware has expired.

Mr. FASCELL. Mr. Speaker, I yield 30 additional seconds to the gentleman.

Mr. EVANS of Delaware. Mr. Speaker, I think it is also important to point out that we have a force within these broadcasts, a force which is a lot more powerful than arms. It is a force that totalitarian regimes fear the most. It is the force of our ideas. We need to effectively utilize the weapon of ideas.

As Lenin once said, "Ideas are more fatal than guns." That is why the Soviet Union is spending so much time and money jamming our programs. They are afraid of the truth and it is important today to send a message to freedom-loving people all over the world that we care in the United States of America.

I hope all my colleagues will strongly support this bill.

Mr. FASCELL. Mr. Speaker, just a brief comment first before I yield.

I agree with the last two gentlemen who spoke in the well with regard to radios. As one who was intimately involved in saving the radio, so to speak, and getting the necessary mechanisms and funding for those radios and keep-

ing them alive and improving their capability. I can certainly understand what our previous speakers have been saying.

With respect to the bomb damage, let me just briefly state that we had in the fiscal year 1981 budget \$3½ million for the bomb damage to be repaired. Despite the cuts, some readjustments will have to be made internally, but they can do that.

but I still agree they need more money and we need to put more emphasis on those radios. I will be joining the gentleman in every way I know how to see that that policy is implemented.

Mr. EVANS of Delaware. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Delaware.

Mr. EVANS of Delaware. Mr. Speaker, I thank the distinguished gentleman for yielding.

I really do not care how we send that message or that signal to people all over the world that America cares, because it is in our national security interests to do so.

Mr. FASCELL. Absolutely.

Mr. EVANS of Delaware. Whether we do it through recommitment or whether we do it administratively, and I certainly do not want to jeopardize this bill on recommitment, but there is one thing for certain that we ought to make absolutely clear in this administration and this Congress, that we do care about other people and that we care about the impact of these international broadcasts and we are going to do everything we possibly can to give them adequate funding in the future.

Mr. FASCELL. Mr. Speaker, I agree with the gentleman very strongly.

Mr. Speaker, I yield 3 minutes for purposes of general debate only to the distinguished gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Florida (Mr. FASCELL) for yielding to me. As everyone who is familiar with this Congress knows, I am not a member of this committee.

I kind of hate to intrude into its business, but I was shocked the other day when the House killed the authorization bill for the State Department.

I know when I came to the Congress about 20 years ago, it was fashionable then if you were dissatisfied with all the world's problems to take it out on the State Department, and I have got to admit that I was probably guilty of some of that.

As I began to exercise my responsibilities under the Ways and Means Committee having to do with international trade, I became better acquainted with the State Department. I can tell you from personal experience that the people in the State Department work hard. They are well qualified.

They do a terrific job and sometimes under very adverse and dangerous circumstances.

We should not be here talking about cutting back in this area. We ought to be here talking about expanding in this area. The State Department is doing a job in a bigger world today with fewer people than they have had in a long, long time, and our problems are much more complex.

I hope that Members when thinking about this authorization bill will think about the challenges that are out there that must be met, about our responsibility to meet those challenges, and I hope they will take my word for it as one who has been there and seen, we have got good people representing us overseas. We have got good people who work and will work hard on weekends and holidays and every other time. I have never yet had one of them complain to me about the demands that are made upon them, not only by our Government, but by other governments.

□ 1345

They are loyal Americans, they work hard, they should be cheered, and we should be augmenting them. We certainly should not take out our piques about the problems of the world by voting against the State Department authorization bill.

Mr. FASCELL. I thank my distinguished colleague for those very appropriate remarks.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. I thank the distinguished ranking member for yielding to me.

Mr. Speaker, this bill is an example of how the House can insure that we stay within the President's budget figures and still provide the President the resources he needs to run a lean, effective Government.

I voted against the bill earlier because it was over the budget, and I do not agree totally with the gentleman from Florida who preceded me here in the well, from whom I have the utmost respect, when he says we should not be talking about cutting back. I just cannot accept that. We do need to look toward keeping the State Department down in its expenditures just as we do everything else around here. That has been done with this bill. After the bill was defeated earlier, administration officials, the ranking members on the committee, and the distinguished chairman of the committee, got together and worked out an agreement as to the figures that should be in this bill.

It is within the President's budget request. I think that all concerned should be commended for the compromise they worked out. I realize some of the Members do not think we should have defeated it earlier, but

the fact is that it was over the President's budget request.

We have made some savings here. That is what we have been trying to do in every other area and it has been done. There has been a major savings. We have reached a final agreement now and I think we should try to live up to this compromise.

I am going to vote for it because I do think we need the State Department authorization and I do think we need to have foreign aid authorizations. But I also think we should be just as conscious of what the costs are in this area, as we are in other areas of the budget.

So I urge my colleagues, let us support this compromise in its present form. Vote for this bill on final passage. Let us not break up the compromise that has been reached and tinker with the numbers that have been agreed to, and we can get this behind us and move on to what needs to be done in other areas.

Mr. Speaker, I do want to thank all of those who worked on this bill for their patience and cooperation.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, I voted against this bill when it was before us before. It was over the President's budget in its second year. However, under the agreement, that has been taken care of and the bill is well within the budgetary constraints.

While I certainly agree with the view of those who would like to increase funding for the radios, I think we can find some other way to do that. But the important thing today is to pass this bill the way it is, and to get on with the business. We have a State Department, and whether or not we agree with everything it does, whether we agree with all the personnel that are there, it is our State Department. It is our vehicle for carrying out foreign policy.

I would say particularly to those on my side of the aisle that this is our President's foreign policy, and this is his State Department, peopled by people he has appointed. I think if we are going to have a coherent, credible foreign policy we certainly have to fund that Department.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman from Florida yield me 3 additional minutes?

Mr. FASCELL. I would be glad to.

Mr. BROOMFIELD. I thank the gentleman.

Mr. Speaker, at this time I yield 2 minutes to the gentleman from Wisconsin (Mr. ROTH).

Mr. ROTH. I thank the gentleman from Michigan for yielding.

Mr. Speaker, I agree with the speakers who have spoken here this afternoon on the power of an idea and the

power of public diplomacy. But I hope we would not fall in the trap of saying if we just throw more dollars at the agency, or any other agency, it is going to solve all our problems. I think, yes, dollars have to be appropriated. Dollars are important. But I think it is a commitment that these agencies have to their programs that are very important, too.

Recently I had a gentleman in my office from Czechoslovakia, Victor Sefcik. I asked him what kind of experience he has had with Radio Free Europe and Radio Liberty. He said their experiences have been very good; that they religiously listen to those broadcasts at 6 in the morning, 6 at night, not only to get the world news but also to find out what is happening in Czechoslovakia, their own country. But he did say that many times they have a hard time understanding the news because the Czechoslovakian that is being spoken is not the best.

I think this is one example, that we can fall in the trap of just saying if we throw more and more money at the agency, the problems are going to be solved. I think there has to be a certain amount of dedication and commitment in the agency itself.

As I see it, what we are arguing about here is an issue of where we are going to spend more money, with the elite or with the people, the masses. I think it is very important that we stressed that we sell the story of America, our programs, and so on, to all the people of the country, not just to the elite. I think if we have to make choices because we only have a number of dollars, we must always come down on the side of the people of those countries, not only the elite.

I feel the ICA does some of the most important work being done in this country, but it should not be a travel and tourism agency. I think what we have to do is spend the money on the radios and the people working in those areas so they can speak the language properly and we can get our message across.

The SPEAKER. The Chair will state that the gentleman from Florida (Mr. FASCELL) has 2½ minutes remaining, and the gentleman from Michigan (Mr. BROOMFIELD) has 5½ minutes remaining.

Mr. FASCELL. Does the gentleman from Michigan desire more time?

Mr. BROOMFIELD. Yes, I have two more speakers.

Mr. FASCELL. I will be glad to yield the balance of my time to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, this measure is the renewed authorization bill for the State Department, the International Communication Agency (ICA) and the Board for International

Broadcasting (BIB). As it stands, it drastically cuts funds for the ICA and BIB. My motion to recommit is intended to correct these dubious budget allocations.

I recommend that within the total spending limits, specific adjustments be made to support our foreign information agencies—ICA and BIB.

ICA, of course, manages the Voice of America and our exchanges and cultural programs, while BIB supervises Radio Free Europe and Radio Liberty. We are involved in an information war, a clash of ideas, a struggle of the truth of a free society against totalitarian propaganda. It is necessary to improve our foreign broadcast capability, and reinforce our radios. VOA broadcasts world news and particularly news about the United States to many areas of the world which would not otherwise have objective news sources. RFE and RL are our means of reaching the people of the Soviet Union and those of the Eastern European Communist countries.

Through our exchange programs, on the other hand, we have a chance to see other countries as they are and give the people of foreign nations an understanding of the real America. A significant part of the threat posed to the United States by the increasing contentiousness of the Soviet Union lies in the area of political and propaganda activity. Mass communication is used by the Soviets to indoctrinate, mislead, and confuse peoples throughout the world; the influence and strategic positions of the United States are weakened in the process.

The Soviet Union maintains an iron grasp on the Russian people and on the captive nationalities of its empire. Its strategic military strength shields its conquests. Nonetheless, the Soviet empire is vulnerable. Its economic system is inefficient, its agriculture a shambles. Its population, and those of the captive nations, are shamelessly exploited to support a corrupt regime. It is of special interest that RFE and RL often assist the forces of internal dissent in the U.S.S.R. and the satellite countries in frustrating the Communist secret police by broadcasting smuggled dissident papers and messages.

The role of the radios has been succinctly described by a former Director of the RFE Polish Language Service:

Without the Western radios in recent years, Soviet dissidents would have been deprived of one of their main communication lines with the broad masses of people. The solidarity of Polish workers was made possible by Western radio, acting as a communications link between strikers in various parts of the country. Without Radio Free Europe, the authorities would have been able to isolate and suppress local strikes before the news spread to the rest of the country. Western radios remain the prime source of information about Polish developments for other countries of the Soviet

Bloc. They also provide the means of comparison with life outside the Bloc necessary to generate dissatisfaction and pressure for change.

Earlier this year, a cut by the previous administration in the BIB budget for fiscal year 1982 was restored by the new administration and more added to the previous year's budget. The State Department in a report to Congress said:

The Department of State strongly supports the maintenance of effective Radio Free Europe/Radio Liberty and VOA broadcast capabilities. In this regard, I am pleased to report that we have confirmed with the Board for International Broadcasting that the proposed \$4 million cut to the Board's fiscal year 1982 budget has been restored and that a \$3 million supplemental appropriation has been added to the fiscal year 1981 budget.

Instead of restoring funds for the radios, the OMB has slashed their funding.

Recently, the President directed ICA to take responsibility for coordination of a major new U.S. overseas information program in response to the Soviet Union's growing global campaign to undercut U.S. foreign policy objectives. This activity, to be called Project Truth, is a counteroffensive to reveal Soviet disinformation efforts and to spread the truth about U.S. policy and objectives. When Project Truth was proposed to the President, his reaction was that "this could be the greatest weapon of all."

Also, the administration has announced that in an effort to tell the truth to Cuba we are going to establish a radio, to be called Radio Marti, which will cost \$10 million the first year. "This administration has decided to break the Cuban Government's control of information on Cuba," Richard Allen, the President's security adviser, is quoted as saying.

These are new responsibilities being undertaken by the administration. Unfortunately, in the past few years, the effectiveness of U.S. broadcasting to the Soviet Union and Eastern Europe has been systematically reduced, due to inadequate budgets. On April 1, 1981, the distinguished Republican leader, BOB MICHEL, said this about the radios and national security:

We are in grave danger of losing the war of ideas carried on throughout the world. How close we are of losing may be debatable—what is not debatable is the unquestioned fact that the Soviet Union and its allies outspend the United States and its allies on information—and, in the Soviet case, disinformation—program.

The time has come to recognize that the U.S. International Communication Agency—including its international broadcasting section, the Voice of America—and Radio Free Europe and Radio Liberty need to be seen as part of our national security system, as vital and as necessary to our survival and programs as weapons, manpower, and strategic concepts.

ICA'S budget has been reduced by 12 percent. To apply the OMB's cut to the Voice of America, according to ICA, would mean cutting its weekly broadcast schedule by more than 25 percent, widening the gap between Soviet and U.S. broadcasts. Moreover, the cut would mean the closing of 37 posts, many in sensitive areas. These 37 ICA posts out of 200 would include 15 country program operations and 22 posts as follows:

Country programs operations:
Benin, Burundi, Iraq, Ireland, Lebanon, Lesotho, Luxembourg, Mali, Malta, Mauritania, Papua/New Guinea, Rwanda, Swaziland, Switzerland, and Upper Volta.

Branch posts: Sydney, Australia; Belo Horizonte, Porto Algre, Recife, Rio de Janeiro, and Salvador, Brazil; Toronto, Canada; Valparaiso, Chile; Cali and Medellin Colombia; Guayaquil, Ecuador; New Delhi, India; Medan, Indonesia; Kwangju and Taegu, Korea; Guadalajara and Monterrey, Mexico; Davao, Philippines; Dharan, Saudi Arabia; Barcelona, Spain; Izmir, Turkey; and Maracaibo, Venezuela.

To save VOA and the overseas operation from such drastic cuts, ICA proposes to concentrate the cuts on its public diplomacy functions. To do so, however, United States/Poland and United States/Soviet exchange programs would be severely affected, a serious development at this juncture. On the other hand, recent demonstrations in London, Brussels, Paris, Rome, and Bonn against modernization of nuclear theatre forces give evidence of a vast gap between Europeans and Americans on vital issues. Our educational exchanges should not be permitted to suffer.

To shortchange our international information programs, cultural exchanges, scholarships, and foreign broadcasting would be pennywise and pound foolish. Our radios, particularly, are key elements of our security effort. We have history and truth on our side, yet the Soviets have a technological advantage. We must recognize the responsibilities and challenges we face and make the policy and budget decisions necessary to gain the technological edge we need to win.

The motion to recommit will help preserve the ICA and BIB from the misapplied calculations of OMB non-experts. I appeal for your support of the motion to recommit.

Frankly, Mr. Speaker, when I listen with awe to my leaders, Mr. LOTT and Mr. MICHEL, who will follow me, when I see heavyweights like the chairman of the committee, the chairman of the subcommittee, the ranking member, all speaking against my position, I feel like the bastard at a family reunion. But I stand here before the Members in righteousness, knowing my position is correct.

I would like to review a few points. Let me again quote from a recent State Department report on the radios:

Without the Western radios, Soviet dissidents would have been deprived of their main communication lines with broad masses of people. The Solidarity of the Polish workers is made possible by Western radio. Without Radio Free Europe the authorities would have been able to isolate and suppress local strikes before the news spread to the rest of the country. The prime source of information about developments of other countries in the Soviet bloc comes from Radio Free Europe.

The Department of State has indicated they strongly support the radios. Yet, now they are bludgeoned into silence at the time the radio budgets are being gutted.

When my dear friend the minority leader takes the floor, I hope he will remind the House of his strong support of the radios and then try to reconcile that with his inability to accept the funds in my motion to recommit.

Then I would also like to point out to you that the ICA, which is being the most drastically cut, has recently been directed by the President to take responsibility for what they call a major new U.S. overseas information program. Now, explain to me how one can start a major new U.S. overseas program when 30 percent of one's budget is cut? Yet that is what the figures before us provide. My figures would give some flexibility to the ICA and BIB.

We have to have an understanding of just where we are cutting and who we are hurting here. For example, in the ICA, unless my motion to recommit is accepted, the items that will be cut from the budget include country program operations in Iraq—I need not tell you how sensitive a country Iraq is—Lebanon, and Lebanon is a sensitive country, Mauritania, Burundi, Rwanda, key countries in Central Africa; India, Indonesia, Saudi Arabia, which just received our AWACS, but we are going to cut out some of our programing there; Spain, Turkey, Western countries on the edge of anarchy.

And yet here we are retreating from our obligation to tell the American story there because of what I consider penny-wise and pound-foolish approaches.

When this bill was on the floor 5 weeks ago, I supported it. I would support it now if my figures are accepted.

Mr. BROOMFIELD. Mr. Speaker, I yield the balance of my time, 2 minutes, to the gentleman from Illinois, the distinguished minority leader.

Mr. MICHEL. Mr. Speaker, I obviously rise in support of this bill.

I want to first congratulate the chairman of the committee, the gentleman from Wisconsin (Mr. ZABLOCKI), the gentleman from Florida (Mr. FASCELL), and the gentleman

from Michigan (Mr. BROOMFIELD) on our side, for their spirit of cooperation in bringing this bipartisan administration-supported bill to the floor.

When I came to my desk this morning, I noted, as most of you did, a "Dear Colleague" letter signed by my good friend, the gentleman from Illinois, and seven of our colleagues. The letter was in support of a motion to recommit, and here I quote, "to correct the dubious budget allocations" in the amendment now before us. I took particular interest in that letter because it quoted this Member at length. The quotation was from remarks I inserted in the RECORD early in the year in support of strengthening the U.S. International Communications Agency. I will not repeat that quotation here because of the time restraints put upon us, but the gentleman from Illinois is very clever. He is smart. He has been around a long time. There was an implied suggestion that because a motion to recommit is usually reserved for the minority a quote from the minority leader would in turn suggest to most that I supported this motion to recommit.

Let me make it abundantly clear. I am absolutely opposed to the motion to recommit of the gentleman from Illinois. He has his own little ax to grind in this particular case, and I understand his good and noble intentions.

I have to support the measure as is. This was a compromise with the other side put together in my office. It is a commitment that I am bound to keep. I stand behind it, and Members on my side particularly will have to understand that our word is only as good as our bond here. For that reason on this issue I have to oppose my friend, the gentleman from Illinois, who in most cases is on the right side of the issue, but on this one I think he has carried it a little bit too far.

Admittedly, there are adjustments, particularly in the communications agency, that ought to be made in-house. I think the subcommittee chairman, the gentleman from Florida (Mr. FASCELL) in his remarks earlier, if I followed them correctly, hit the target, and I would subscribe to the views that he expressed at that time and would urge the Members on this side, and the majority side, again to reject the motion to recommit and get on with passage of this State Department authorization bill.

Mr. FASCELL. Mr. Speaker, to conclude the debate on this side, I yield 1 minute to the distinguished chairman of the Foreign Affairs Committee, the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I will only take 1 minute. May I have the attention of the gentleman from Illinois (Mr. DERWINSKI) to state the parliamentary situation as I perceive it.

What would happen if the gentleman's motion to recommit with instructions should prevail? In my opinion such an action could kill the bill because it would violate the agreement that we have on both sides regarding the content of the legislation.

Then what the gentleman desires and what we desire to accomplish is lost.

Would the gentleman agree?

Mr. DERWINSKI. No, because the chairman knows that the instructions call for the same to be reported back to the House forthwith, which means 30 seconds later.

The gentleman from Illinois (Mr. MICHEL) is going to vote for final passage regardless of the final form.

□ 1600

The SPEAKER pro tempore. Pursuant to House Resolution 257, the previous question is ordered on the amendment and on the bill.

The question is on the motion offered by the gentleman from Florida (Mr. FASCELL).

The motion was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

MOTION TO RECOMMIT WITH INSTRUCTIONS
OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Speaker, I offer a motion to recommit with instructions.

The Clerk read as follows:

Mr. DERWINSKI moves that the Senate bill S. 1193 as amended be committed to the Committee on Foreign Affairs with instructions to report the same to the House forthwith with the following amendments:

Amend the amendment as follows (page and line numbers are to H.R. 4814):

On page 2: line 8, strike "\$1,245,637,000" and in lieu thereof insert "\$1,233,637,000";

In line 9, strike "\$1,248,059,000" and in lieu thereof insert "\$1,238,059,000";

In line 11, strike "\$503,462,000" and in lieu thereof insert "\$479,462,000";

In line 12, strike "\$514,436,000" and in lieu thereof insert "\$481,436,000"; and

On page 39: line 16, strike "\$494,034,000" and in lieu thereof insert "\$520,034,000"; and

In line 17, strike "\$482,340,000" and in lieu thereof insert "\$520,340,000"; and

On page 47, line 2, strike "\$86,519,000" and in lieu thereof insert "\$96,519,000"; and strike "\$98,317,000" and in lieu thereof insert "\$103,317,000".

The SPEAKER pro tempore. The gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes.

Mr. DERWINSKI. Mr. Speaker, at times this afternoon I have felt like a voice shouting in the wilderness. I am amazed at some of the gyrations on the part of some of my colleagues. I wish they were as interested in the condition of foreign affairs 5 weeks ago as they are today, but even a belated convert to an appreciation of international affairs is appreciated.

Let me run through the fact of life for some Members on why this motion to recommit is in order.

First, there was a statement made that this will delay the bill. It will, for 30 seconds, just as long as it takes for us to bring it back to the House.

I believe the motion to recommit will strengthen the hand of the House conferees in conference with the Senate. What we specifically do—and I want the Members to be on record, knowing that deep in their hearts they know we are doing the right thing—is to restore a total of \$64 million to the International Communication Agency for 2 years, and \$15 million for the Board for International Broadcasting, which is Radio Free Europe and Radio Liberty.

Earlier my dear friend, the distinguished Republican leader, had referred to a statement he made on April 1 which he still maintains—of course, April 1 is April Fool's Day; a strange coincidence—but at the time my dear friend said as follows:

The time has come to recognize that the United States International Communications Agency, including its international section, The Voice of America and Radio Free Europe and Radio Liberty, need to be seen as part of our national security system, as vital and as necessary to our survival in programs as weapons, manpower, and strategic concepts.

Now, therefore, inspired by the oratory, I have worked hard since then to see that the misguided budget cuts coming from OMB do not damage those radio entities that my leader so nobly defends, so the Members will understand the inspiration for my position in addition to my own strong-held views.

I would also like to point out that it is fine for the gentleman from Wisconsin and the gentleman from Florida to give verbal assurances that they will do the best they can in the conference with the Senate. But the motion to recommit with instructions is the only ball game in town at this time. If Members want to have funds designated for Radio Free Europe, for the ICA, if they do not support the motion to recommit they are merely trusting negotiations with the other body, which has shown itself reluctant these days to meet the House halfway.

The other point I would like to make to my dear friend from Mississippi is that my figures merely transfer funds, and that the figures I propose are within the budget request. So, if someone is concerned about the sacredness of the budget request, we do not violate it.

Mr. SOLARZ. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I am pleased to yield to the gentleman from New York.

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for yielding. Any motion offered by my good friend

from Illinois is automatically deserving of the most serious consideration, and in this instance, I want to say very frankly that I am inclined to support it, but I would like to ask one question. Would the resources which this amendment would transfer out of the account for international organizations in any way put us in default of our obligations to the United Nations or any of its member agencies?

Mr. DERWINSKI. No. If the gentleman will look at the figures for the original request which was rejected 5 weeks ago, it was lower at that point than the figures that remain in the bill after my motion to recommit. In fact, after my motion to recommit there is an additional \$10 million for international organizations and conferences for fiscal year 1982, and an additional \$12 for fiscal year 1983.

Also, I would like to point out that the real issue here is the funds for ICA, \$64 million over the 2 years, and primarily that would permit the maintenance of certain facilities, some of which I ticked off earlier—very key countries, and of course some of the exchange programs which are so valuable.

To sum up, Mr. Speaker, may I say that I do not like to tangle with the leadership as I have. But my concern is for legitimate allocation of funds in foreign affairs.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. FASCELL. Mr. Speaker, I rise in opposition to the motion to recommit. I think the issue is well known to everybody. The motion to recommit is not the only game in town. We have conferenceable issues. We are ready to go to conference. Adjustments are going to be necessary with respect to the cultural and educational programs we are going to provide for, as we have pointed out earlier.

So, I think it would be a mistake to change the pending bill by a motion to recommit. As a matter of fact, we will actually have more flexibility between the Senate bill and House bill as we go to conference to adjust these matter. I would urge my colleagues to vote down the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; the Speaker pro tempore announced that the nays appeared to have it.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 63, nays 318, not voting 52, as follows:

[Roll No. 288]

YEAS—63

Anderson	Early	O'Brien
Annunzio	Eckart	Petri
Applegate	English	Porter
Archer	Erlenborn	Ritter
Ashbrook	Evans (DE)	Roemer
Beard	Evans (IN)	Rostenkowski
Biaggi	Fary	Roth
Broyhill	Gray	Scheuer
Burgener	Hyde	Schulze
Burton, Phillip	Kastenmeier	Shamansky
Butler	Kemp	Sharp
Carman	LaFalce	Simon
Clinger	Lantos	Solarz
Conable	LeBoutillier	Solomon
Coughlin	Lungren	Spence
Courter	Marks	Vento
Dannemeyer	McClory	Walgren
DeNardis	McDonald	Walker
Derwinski	McGrath	Watkins
Donnelly	Moore	Weaver
Dougherty	Murphy	Yates

NAYS—318

Addabbo	Dixon	Hawkins
Akaka	Dorgan	Heckler
Albosta	Dornan	Hefner
Andrews	Downey	Heftel
Anthony	Dreier	Hendon
Aspin	Duncan	Hertel
Atkinson	Dunn	Hightower
AuCoin	Dwyer	Hiler
Badham	Dymally	Hillis
Bafalis	Dyson	Holland
Bailey (MO)	Edwards (AL)	Hollenbeck
Bailey (PA)	Edwards (CA)	Hopkins
Barnes	Edwards (OK)	Horton
Bedell	Emerson	Howard
Benedict	Emery	Hoyer
Benjamin	Erdahl	Hubbard
Bennett	Ertel	Huckaby
Bereuter	Evans (GA)	Hughes
Bethune	Evans (IA)	Hunter
Bevill	Fascell	Hutto
Bingham	Fenwick	Jacobs
Blanchard	Ferraro	Jeffords
Billey	Fiedler	Jeffries
Boggs	Fields	Jenkins
Boland	Findley	Johnston
Boner	Flores	Jones (OK)
Bonior	Fithian	Jones (TN)
Bonker	Flippo	Kazen
Bouquard	Foglietta	Kildee
Bowen	Foley	Kindness
Brinkley	Ford (MI)	Kogovsek
Brodhead	Ford (TN)	Kramer
Brooks	Forsythe	Lagomarsino
Broomfield	Frank	Latta
Brown (CA)	Frenzel	Leach
Brown (CO)	Fuqua	Leath
Brown (OH)	Gaydos	Lee
Byron	Gejdenson	Lehman
Carney	Gephardt	Leland
Chappie	Gibbons	Lent
Cheney	Gingrich	Levitas
Chisholm	Glickman	Livingston
Clausen	Gonzalez	Loeffler
Coats	Goodling	Long (LA)
Coleman	Gore	Long (MD)
Collins (IL)	Gradison	Lott
Collins (TX)	Gramm	Lowery (CA)
Conte	Green	Lowry (WA)
Conyers	Gregg	Lujan
Coyne, James	Grisham	Lundine
Craig	Guarini	Madigan
Crockett	Gunderson	Markey
Daniel, Dan	Hagedorn	Marlenee
Daniel, R. W.	Hall (OH)	Marriott
Danielson	Hall, Sam	Martin (NC)
Daschle	Hamilton	Martin (NY)
Davis	Hammerschmidt	Matsui
de la Garza	Hance	Mattox
Deckard	Hansen (ID)	Mavroules
Derrick	Hansen (UT)	Mazzoli
Dickinson	Harkin	McCollum
Dicks	Hartnett	McDade
Dingell	Hatcher	McEwen

McHugh	Rahall	Smith (PA)
McKinney	Rangel	Snowe
Mica	Ratchford	Snyder
Michel	Regula	Stangeland
Mikulski	Reuss	Stanton
Miller (CA)	Rhodes	Staton
Miller (OH)	Richmond	Stratton
Mineta	Rinaldo	Studds
Minish	Roberts (KS)	Stump
Mitchell (NY)	Roberts (SD)	Swift
Moakley	Robinson	Synar
Moffett	Rodino	Tauzin
Molinari	Roe	Taylor
Mollohan	Rogers	Thomas
Montgomery	Rose	Traxler
Moorhead	Rosenthal	Tribble
Morrison	Roukema	Udall
Murtha	Roussetot	Vander Jagt
Myers	Roybal	Volkmer
Natcher	Rudd	Wampler
Neal	Russo	Weber (MN)
Nelligan	Sabo	Weber (OH)
Nelson	Santini	Weiss
Nichols	Savage	White
Nowak	Sawyer	Whitehurst
Oakar	Schneider	Whittaker
Oberstar	Schroeder	Whitten
Obey	Schumer	Williams (MT)
Ottinger	Seiberling	Williams (OH)
Oxley	Sensenbrenner	Winn
Panetta	Shannon	Wirth
Parris	Shaw	Wolf
Pashayan	Shelby	Wolpe
Patman	Shumway	Wortley
Patterson	Shuster	Wright
Paul	Siljander	Wyden
Pease	Skeen	Wyllie
Perkins	Skelton	Yatron
Peyser	Smith (AL)	Young (AK)
Pickle	Smith (IA)	Young (FL)
Price	Smith (NE)	Young (MO)
Pritchard	Smith (NJ)	Zablocki
Pursell	Smith (OR)	Zeferetti

NOT VOTING—52

Alexander	Fazio	McCurdy
Barnard	Fish	Mitchell (MD)
Beilenson	Florio	Mottl
Bolling	Fountain	Napier
Breaux	Fowler	Pepper
Burton, John	Frost	Quillen
Campbell	Garcia	Railsback
Chappell	Gilman	St Germain
Clay	Ginn	Stark
Coelho	Goldwater	Stenholm
Corcoran	Hall, Ralph	Stokes
Coyne, William	Holt	Tauke
Crane, Daniel	Ireland	Washington
Crane, Philip	Jones (NC)	Waxman
D'Amours	Lewis	Whitley
Daub	Lukens	Wilson
Dellums	Martin (IL)	
Edgar	McCloskey	

□ 1415

The Clerk announced the following pairs:

On this vote:

Mr. Mottl for, with Mr. Garcia against.

Mr. BRODHEAD and Mr. AU COIN changed their votes for "yea" to "nay."

Mr. CARMAN changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the Senate bill, as amended.

RECORDED VOTE

Mr. FASCELL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 317, noes 58, not voting 58, as follows:

[Roll No. 289]

AYES—317

Addabbo	Fenwick	Martin (NC)
Akaka	Ferraro	Martin (NY)
Albosta	Fiedler	Matsui
Andrews	Fields	Mavroules
Annunzio	Findley	Mazzoli
Anthony	Fithian	McClory
Archer	Flippo	McCollum
Aspin	Foglietta	McDade
Atkinson	Foley	McGrath
AuCoin	Ford (MI)	McHugh
Badham	Ford (TN)	McKinney
Bafalis	Forsythe	Mica
Bailey (MO)	Frank	Michel
Bailey (PA)	Frenzel	Mikulski
Barnes	Fuqua	Miller (CA)
Bedell	Gaydos	Miller (OH)
Benedict	Gejdenson	Mineta
Benjamin	Gephardt	Minish
Bennett	Gibbons	Mitchell (NY)
Bereuter	Gingrich	Moakley
Bethune	Glickman	Moffett
Bevill	Gonzalez	Molinari
Biaggi	Goodling	Mollohan
Bingham	Gore	Montgomery
Blanchard	Gradison	Moore
Billey	Gramm	Morrison
Boggs	Gray	Murtha
Boland	Green	Myers
Boner	Gregg	Natcher
Bonior	Grisham	Neal
Bonker	Guarini	Nelligan
Bowen	Gunderson	Nelson
Brinkley	Hagedorn	Nowak
Brodhead	Hall (OH)	O'Brien
Brooks	Hamilton	Oakar
Broomfield	Hammerschmidt	Oberstar
Brown (CA)	Hance	Obey
Brown (CO)	Hansen (UT)	Ottinger
Brown (OH)	Harkin	Oxley
Byron	Hartnett	Panetta
Carney	Hatcher	Parris
Chappie	Hawkins	Pashayan
Cheney	Heckler	Patman
Chisholm	Heftel	Patterson
Clausen	Hendon	Pease
Coats	Hightower	Perkins
Coleman	Hiler	Peyser
Collins (IL)	Hillis	Pickle
Collins (TX)	Holland	Porter
Conte	Hollenbeck	Price
Conyers	Hopkins	Pritchard
Coyne, James	Horton	Pursell
Craig	Howard	Rahall
Crockett	Hoyer	Rangel
Daniel, Dan	Hubbard	Ratchford
Daniel, R. W.	Huckaby	Regula
Danielson	Hunter	Reuss
Daschle	Hutto	Rhodes
Davis	Hyde	Rinaldo
de la Garza	Jeffords	Robinson
Deckard	Jeffries	Rodino
Derrick	Jenkins	Roe
Dickinson	Johnston	Rogers
Dicks	Kazen	Rose
Dingell	Kemp	Rosenthal
	Kildee	Rostenkowski
	Kogovsek	Roth
	Kramer	Roukema
	LaFalce	Roybal
	Lagomarsino	Sabo
	Lantos	Santini
	Latta	Savage
	Leach	Sawyer
	LeBoutillier	Scheuer
	Lee	Schneider
	Lehman	Schumer
	Leland	Seiberling
	Lent	Shamansky
	Levitas	Shannon
	Livingston	Sharp
	Loeffler	Shaw
	Long (LA)	Shumway
	Long (MD)	Shuster
	Lott	Siljander
	Lowery (CA)	Simon
	Lowry (WA)	Skeen
	Lujan	Skelton
	Lundine	Smith (AL)
	Madigan	Smith (IA)
	Markey	Smith (NJ)
	Marks	Smith (PA)
	Marlenee	Snowe
	Marriott	Snyder

Solarz	Vander Jagt	Wolf
Stangeland	Volkmer	Wolpe
Stanton	Walgren	Wortley
Staton	Wampler	Wyden
Stratton	Weber (MN)	Wyllie
Studds	Weber (OH)	Yates
Swift	Weiss	Yatron
Synar	White	Young (AK)
Taylor	Whitehurst	Young (FL)
Thomas	Whitten	Young (MO)
Traxler	Williams (OH)	Zablocki
Trible	Winn	Zeferetti
Udall	Wirth	

NOES—58

Anderson	Hefner	Rousselot
Applegate	Hertel	Rudd
Ashbrook	Hughes	Russo
Bouquard	Jacobs	Schroeder
Brown (CO)	Jones (OK)	Schulze
Carney	Jones (TN)	Sensenbrenner
Collins (TX)	Kastenmeier	Shelby
Craig	Kindness	Smith (NE)
Daniel, Dan	Leath	Smith (OR)
Daniel, R. W.	Lungren	Solomon
Derwinski	McDonald	Spence
Dickinson	McEwen	Stump
Dowdy	Moorhead	Tauzin
Dreier	Murphy	Vento
Early	Paul	Walker
Emerson	Petri	Watkins
English	Ritter	Weaver
Evans (IN)	Roberts (KS)	Whittaker
Hall, Sam	Roberts (SD)	
Hansen (ID)	Roemer	

NOT VOTING—58

Alexander	Fish	Mottl
Barnard	Florio	Napier
Beilenson	Fountain	Nichols
Bolling	Fowler	Pepper
Breaux	Frost	Quillen
Burton, John	Garcia	Railsback
Campbell	Gilman	Richmond
Chappell	Ginn	St Germain
Clay	Goldwater	Stark
Coelho	Hall, Ralph	Stenholm
Conte	Holt	Stokes
Corcoran	Ireland	Tauke
Coyne, William	Jones (NC)	Washington
Crane, Daniel	Lewis	Waxman
Crane, Philip	Luken	Whitley
D'Amours	Martin (IL)	Williams (MT)
Daub	Mattox	Wilson
Dellums	McCloskey	Wright
Edgar	McCurdy	
Fazio	Mitchell (MD)	

□ 1430

The Clerk announced the following pairs:

On this vote:

Mr. Stokes for, with Mr. Mottl against.
Mr. Fountain for, with Mr. Mattox against.

Mr. Mitchell of Maryland for, with Mr. Nichols against.

Mr. Conte for, with Mr. Napier against.

Until further notice:

Mr. Richmond with Mr. Quillen.
Mr. Pepper with Mr. Railsback.
Mr. McCurdy with Mr. Tauke.
Mr. Waxman with Mr. Campbell.
Mr. Chappell with Mr. Daub.
Mr. Fazio with Mr. Corcoran.
Mr. D'Amours with Mr. Lewis.
Mr. Coelho with Mr. Daniel B. Crane.
Mr. Barnard with Mr. Ralph M. Hall.
Mr. Alexander with Mr. Philip M. Crane.
Mr. Dellums with Mrs. Martin of Illinois.
Mr. Wright with Mr. McCloskey.
Mr. Stark with Mrs. Holt.
Mr. Breaux with Mr. Fish.
Mr. Ginn with Mr. Gilman.
Mr. Fowler with Mr. Ireland.
Mr. Clay with Mr. Frost.
Mr. Beilenson with Mr. Florio.
Mr. John L. Burton with Mr. Garcia.
Mr. Jones of North Carolina with Mr. Luken.

Mr. Wilson with Mr. St Germain.
Mr. Williams of Montana with Mr. Whitley.

Mr. Washington with Mr. Stenholm.
Mr. Edgar with Mr. William J. Coyne.

So the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1193, DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1982 AND 1983

Mr. FASCELL. Mr. Speaker, pursuant to House Resolution 257, I move that the House insist on its amendment to the Senate bill, S. 1193, and request a conference with the Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. FASCELL).

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. ZABLOCKI, FASCELL, YATRON, MICA, BROOMFIELD, DERWINSKI, and WINN.

As additional conferees, solely for consideration of proposed section 206 of the State Department Basic Authorities Act of 1956, as contained in section 120(a) of the House amendment and section 120(e) of the House amendment: Messrs. DELLUMS, FAUNROY, and MCKINNEY.

There was no objection.

□ 1445

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO HAVE UNTIL 5 P.M. TOMORROW TO FILE REPORT ON HOUSE JOINT RESOLUTION 349

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until 5 p.m., Friday, October 30, 1981, to file a report on the joint resolution (H.J. Res. 349) to authorize participation of the United States in a multinational force and observers to implement the treaty of peace between Egypt and Israel.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so simply to ask the gentleman from Florida whether or not this has been cleared with the minority.

Mr. FASCELL. If the gentleman will yield, yes, it has.

Mr. WALKER. I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE REPORT ON H.R. 3517

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file a report on the bill (H.R. 3517) to authorize the granting of permanent residence status to certain nonimmigrant aliens residing in the Virgin Islands of the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute for the purpose of inquiring of the distinguished majority whip the program for the balance of this week and next week.

Mr. FOLEY. Mr. Speaker, if the distinguished Republican leader will yield, the action just completed completes the program for today and for the week, and we will ask unanimous consent that when the House adjourn tonight it adjourn to meet at noon on Monday. But we anticipate only a pro forma session on Monday.

On Tuesday, November 3, because it is election day throughout the United States, the House will not be in session.

On Wednesday the House will meet at noon to consider 11 suspensions:

H.R. 3464, U.S.C. title X amendments re naval vessels;

H.R. 4624, U.S.C. title X amendments re DOD employees;

H.R. 4625, return of works of art to West Germany;

H.R. 4792, U.S.C. title X amendments re military justice;

H.R. 3598, Carl Albert Research and Studies Center Act;

H.R. 4543, U.S.C. title X amendments re timber produced on military installations;

H.R. 4591, mineral leasing laws amendments;

H.R. 3502, U.S.C. title 38 amendments re VA and DOD shared medical facilities;

H.R. 1638, Lacey Act amendments;

H.R. 3942, commercial fisheries research and development; and

H.R. 3517, Immigration and Nationality Act amendments.

It is the intention of the leadership that all votes which may occur on these suspensions will be postponed until 4 p.m. on Wednesday. To repeat, the House will meet at noon, but it is the intention of the leadership to postpone any recorded votes occurring on suspensions until 4 p.m.

On Thursday, November 5, the House will meet at 10 a.m. and will complete consideration on H.R. 2330, Nuclear Regulatory Commission Authorizations. General debate has already been concluded. It is assumed that we will finish that legislation on Thursday, and that the House will either not meet on Friday or meet in pro forma session on Friday.

Adjournment times will be announced. Conference reports may be brought up at any time, and any further program will be announced later.

That is the schedule for next week.

Mr. MICHEL. I thank the gentleman.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, could our distinguished leader tell us if we will ever get to the second concurrent resolution. I realize that is a bad question, but I thought I would ask it anyway.

Mr. FOLEY. If the gentleman will yield, as the gentleman knows, the statute requires that the second budget resolution be completed before the sine die adjournment of the House.

Mr. ROUSSELOT. Yes.

Mr. FOLEY. And I think it is a matter that is currently under discussion on both sides of the Capitol. As far as I am aware, neither the leadership of the House nor the Senate, neither the Democratic nor the Republican Party, has reached any firm position with regard to the timing of the second budget resolution.

Mr. ROUSSELOT. When would the gentleman guess it might come up? Which week?

Mr. FOLEY. I do not think I want to hazard an opinion on that. I know that the leadership of both parties and the members of the Budget Committee of both parties have been discussing that matter. I would assume that it will come up before the 18th of December, the day on which we are scheduling the sine die adjournment of the House. Other than that, I cannot give the gentleman very much additional guidance.

Mr. ROUSSELOT. That certainly is very precise.

I thank the gentleman.

Mr. FOLEY. I would say to the gentleman that the precision is a bipartisan one. As far as I know, there is no opinion on either side of the aisle about the timing of this, not only no decision, but no opinion. If the gentleman

has any information to the contrary, I would certainly like to hear it, and I know he is well informed regarding the budget.

Mr. MICHEL. Mr. Speaker, if I might respond to the gentleman, I am quite sure that there will probably be a markup initiated next week on the budget resolution. That is why the following week I think we would want to be rather flexible, depending upon Armistice Day and what work might be required on either side of that day or possible floor action on that resolution, to get it over to the other body in time so that they might consider it before that critical date of the 20th, so far as the continuing resolution is concerned. Although my understanding is that the other body is not inclined to move on the second budget resolution until sometime after we have resolved the continuing resolution. That is not what this Member would prefer, because I think the more orderly process would be completion of the second budget resolution, then a continuing resolution. But because there is the difference between this body and the other body, as the gentleman from Washington has said, we will have to work that out between the two parties and the two bodies.

Mr. FOLEY. I might also say to the gentleman, if the distinguished Republican leader would yield further, for the advance information of Members who may not have otherwise heard it, it is the intention for the House not to be in session through the entire Thanksgiving week. When we conclude business the week of November 16, we will be out of session the entire week beginning November 23. Members might make plans accordingly.

Mr. MICHEL. I thank the gentleman.

AUTHORIZING SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND RULES ON WEDNESDAY, NOVEMBER 4, 1981

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to entertain motions to suspend the rules on Wednesday, November 4, 1981.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT TO MONDAY, NOVEMBER 2, 1981

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT FROM MONDAY, NOVEMBER 2, 1981, TO WEDNESDAY, NOVEMBER 4, 1981

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday next, it adjourn to meet at noon on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3364

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent to withdraw my name as cosponsor of the bill, H.R. 3364.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FIFTY-ONE DEFERRALS TOTALING \$1,260.6 MILLION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-105)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 51 deferrals totaling \$1,260.6 million.

Forty-nine of the deferrals totaling \$763.7 million represent the third group in a series that I am transmitting deferring fiscal year 1982 funds made available by the Continuing Resolution, P.L. 97-51. The other two deferrals, totaling \$496.9 million, represent withholdings of funds carried over from 1981 that will not be needed until later this fiscal year.

The 49 deferrals of funds made available by P.L. 97-51 are being taken in accord with the stated intent of the Congress to provide minimal and tem-

porary funding for the duration of the Continuing Resolution which expires November 20, 1981. As indicated in my special message of October 20, I plan to restrain spending to insure that the Congress has the opportunity to enact regular appropriations for the entire fiscal year at levels that are consistent with my revised budget request.

Deferrals under the Continuing Resolution are included in this special message for Funds Appropriated to the President and ten departments and agencies. The deferrals of funds carried over from 1981 affect Funds Appropriated to the President and the Federal Emergency Management Agency.

The details of each deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, October 29, 1981.

PAY CAP ENDANGERS RECRUITMENT AND RETENTION OF ARMY PERSONNEL

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HOYER. Mr. Speaker, last week I brought to the attention of my colleagues an article appearing in the Washington Post which discussed in depth the serious nature of the brain drain in the Federal Government caused by the artificial cap on pay. Today Mr. Speaker, I include in the RECORD a letter sent to me by Gen. Donald R. Keith, the commanding officer at the U.S. Army Material Development and Readiness Command. In his letter General Keith vividly describes how the pay cap is adversely affecting the recruitment and retention of top managers and professionals necessary to perform logistic support missions in the U.S. Army.

I have spoken previously on this floor of the relationship between incentives offered by the Federal Government and efficient management of the bureaucracy. General Keith's letter now describes how this pay cap endangers this country's professional and efficient management of our defense system. Only weeks ago this body voted to give our Armed Forces a well-deserved and long-overdue pay raise. I supported that pay hike, as did most of my colleagues, because it was in this country's best interest to offer adequate compensation to those who defend this Nation. Yet there remain senior level civilians and uniformed members of our armed services whose salaries are frozen. In the Army's Darcom unit, major generals receive the same compensation as brigadier generals. Mr. Speaker, I am sure you can understand the debilitating morale problems resulting from such a compression in pay.

By November 20, the House must again enact a continuing appropriations bill. That bill can serve as a vehicle to address this dangerous erosion of talent from our civil service and from our armed services. I would urge my colleagues to read General Keith's comments, and I look forward to at least a partial lifting of the pay cap during the next continuing appropriation.

HEADQUARTERS, U.S. ARMY MATERIAL DEVELOPMENT AND READINESS COMMAND,

Alexandria, Va., October 20, 1981.

HON. STENY H. HOYER,
House of Representatives.

DEAR MR. HOYER: During my visit to your office on 16 October 1981, you expressed an interest in problems associated with pay compression among senior civilian and military executives in the Federal service.

The fundamental principle in support of elimination of the current pay cap is that increased responsibility should merit increased compensation. For the corps of top executives in government service, compensation is limited to the Congressionally imposed ceiling of \$50,112, although their assigned responsibilities may increase.

In DARCOM, as of 31 August 1981, there were about 1,675 civilian employees covered by the pay cap. These included 585 GS-14's; 984 GS-15's and 106 SES. Based on the government-wide projections, DARCOM will have 2,077 employees at or above the pay cap by end 1981, 3,053 by 1983 and 3,900 by 1984. In addition, all general officers are now capped at a base salary of \$4,176 per month. In past years, general officers at the three and four star level have been capped. Last year's pay raise brought the two star generals under the pay cap and this year Brigadier Generals joined the group. With this situation existing, there are many instances in which as many as four levels of supervision receive the same salary despite significantly different levels of responsibility.

Under the circumstances, it should be no surprise that the private sector becomes more attractive to senior civilian executives. Consequently, the Federal sector is experiencing increasing difficulty in finding and retaining people for its jobs. Our recent recruiting efforts among prestigious universities and private corporations have resulted in comments such as, "Accordingly, I do not feel free to submit nominations for this or similar government positions until the Congress takes some sensible actions about salaries for our Senior Executive Service," and "The private sector consistently offers substantially better compensation packages, relocation allowances and other benefits than does the Federal service, and does not require extensive personal employment and financial disclosures. It is unfortunate, but clearly it is true, that for these reasons the Government service at this time does not offer competitive opportunities."

We are not only finding it more difficult to fill our higher level positions, but we are also losing key personnel. For example, we have 147 Senior Executive Service positions in DARCOM. Since January 1980, 26 have retired because of the pay cap. In addition, we have indications that SES personnel are leaving us for positions in the private sector because of salary limitations. As a result of these factors, I now have over 40 vacancies among my SES positions.

While it has long been recognized that money itself is not the prime factor for attracting and retaining the kind of people that we need for Army leadership, the present situation defies logic. I believe that it can have a very serious impact on our future. Even though the present pay cap affects only senior level civilians and military, I am concerned about the perception of economic opportunities among our future leaders. Continuation of pay compression will drive the best talent away and leave us with those who are satisfied with attaining a lower grade that pays as well as the more demanding higher positions.

With the emphasis now being placed on Defense, we must be able to recruit and retain top managers and professionals to perform our research, development, materiel acquisition and logistic support missions. I sincerely believe that the pay cap must be lifted in order to attract and keep the talent we need to do our part. Your support in this regard is appreciated.

Sincerely,

DONALD R. KEITH,
General, USA, Commanding.

1981 PRESIDENTIAL RANK AWARD RECIPIENTS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, as the Representative from the 10th Congressional District of Virginia, I have firsthand evidence of the dedication, integrity, and professionalism of Federal employees. Several of my constituents have recently been honored for their outstanding achievements and extraordinary service in Government. These Federal employees have received the 1981 Presidential rank, and I appreciate this opportunity to recognize their special efforts and accomplishments. The award recipients from my congressional district are: Jimmie D. Hill, Lester P. Lamm, George O. Hipps, Jr., Harvey J. Wilcox, and Alan G. Forssell.

Jimmie D. Hill of McLean, Va., is visiting the House today and I would like to inform my colleagues about his outstanding service as Director of the Office of Space Systems, Office of the Secretary of the Air Force. Jimmie Hill has key responsibility for the design, development, acquisition, and management of classified space programs established in response to vital and overriding national requirements. As the budget authority for the Office of Space Systems, he is responsible for fiscal management, budget construction, and preparation of congressional testimony for an annual program amounting to billions of dollars. Based primarily on his evaluations of their critical national importance within specified financial constraints, major space projects are initiated, modified, or discontinued. Successful and timely formulation of the Air Force's pro-

gram to improve satellite support to operational military commanders is credited to Mr. Hill's efforts. He confers regularly with high-ranking members of the defense and intelligence communities and represents the Secretary of the Air Force on several committees that have a major impact on the formulation of national space policy. Mr. Hill was awarded the rank of meritorious executive in 1980.

LESTER P. LAMM, M'LEAN, VA., EXECUTIVE DIRECTOR, FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Since June 1973, Lester P. Lamm has served as Executive Director of the Federal Highway Administration. He is one of the top career officials of the agency, which administers the Federal Government's largest grants program. Mr. Lamm has successfully guided the FHWA and the federally aided highway program through a period of vast change, brought on by new legislative requirements, new national priorities, and unprecedented fiscal constraints. Mr. Lamm has led the Highway Administration in redirecting its national highway program in response to major legislation passed in 1974, 1976, and 1978, designed to meet energy, environmental, and economic needs. During his 26 years with FHWA and the Bureau of Public Roads, Mr. Lamm has progressed from his initial hiring as a highway engineer trainee through numerous diverse and demanding assignments to his present senior executive position.

GEORGE O. HIPPS, JR., ANNANDALE, VA., ASSOCIATE GENERAL DEPUTY ASSISTANT SECRETARY FOR HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

George Hipps has provided excellent management, support, guidance, and unparalleled experience in multifamily and single-family housing development for the Department of Housing and Urban Development. He is recognized as the principal underwriting official with regard to HUD mortgage insurance programs, and is an acknowledged expert on Government mortgage insurance and loan policies. He was instrumental in starting the minority business enterprises construction program. Because of his sustained record of managerial excellence, Mr. Hipps has served as a troubleshooter for many complicated program areas in HUD, inheriting problems, analyzing them, and working out successful solutions. He is nationally recognized throughout HUD and with industry groups in the housing and mortgage fields.

HARVEY J. WILCOX, ARLINGTON, VA., GENERAL COUNSEL, OFFICE OF THE GENERAL COUNSEL, DEPARTMENT OF THE NAVY

Harvey Wilcox, one of the Navy's top civilian attorneys, is a national authority on procurement law. He has overall responsibility for the professionalism and quality of legal counsel of the 260 attorneys in various com-

mand components of the Navy's Office of the General Counsel. In addition to this knowledge of all aspects of procurement law and policy, he is responsible for congressional relations, environmental and health law, antitrust law, bankruptcy, fraud claims, litigation, military and civilian personnel law, intelligence, and other sensitive areas. Mr. Wilcox has been a principal adviser in major ship claims settlements and earlier this year was involved in the successful resolution of longstanding, sensitive differences between the Navy and certain of its suppliers. He is recognized as an excellent manager who has developed a highly productive Office of the General Counsel. Mr. Wilcox was awarded the rank of meritorious executive in 1980.

ALAN G. FORSELL, ARLINGTON, VA., DIRECTOR, SURFACE SHIP SYSTEMS COMMAND, NAVAL SEA SYSTEMS COMMAND, DEPARTMENT OF NAVY

Alan G. Forsell is credited as being the person most responsible for the nuclear propulsion plant design of the *Nimitz* class aircraft carrier, and with the successful integration of that plant with the carrier's overall design. The *Nimitz* class carriers are the largest, most advanced and complex warships in the world and are vitally important to our Nation's defense. As Director of the Surface Ship Systems Division for the past 9 years, Mr. Forsell has been responsible for the technical direction and management of research, development, design, testing, and maintenance of naval nuclear propulsion plant systems. This required not only a high degree of technical expertise, but also strong financial and personnel management abilities, which Mr. Forsell has exhibited. Mr. Forsell has been involved in sensitive naval nuclear propulsion and reactor plan work for over 25 years and has been instrumental in developing major manuals used to perform that work. Among his peers in Government and the private sector, he is highly esteemed both as an engineer and as a manager.

Actions such as these should help to reestablish the public's confidence in a capable, productive, and motivated work force. Such confidence must be reestablished if Government is to become more effective.

Public employees too often feel that their efforts go unnoticed, that their achievements do not matter. My message to you today is very clear—civil servants are a vital part of Government. My constituents we are honoring today are examples of our Government's finest resource—the employees who meet their day-to-day obligations in service to their country.

RESOLUTIONS OF THE NAVAL ORDER OF THE UNITED STATES

(Mr. RUDD asked and was given permission to address the House for 1

minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUDD. Mr. Speaker, recently I had the great pleasure of attending the Biennial Congress of the Naval Order of the United States, held in San Diego, October 19-20, 1981. The Naval Order is the oldest military support organization in the United States—Adm. George Dewey hero of Manila Bay was a cofounder some 110 years ago. It remains committed today as in the past to furthering policies which will enhance our Nation's security.

At its recent congress, the Naval Order adopted several resolutions which make clear its determination to support policies calling for increased military expenditures and a resolute stance of opposition to the predatory aggression of Soviet communism. Especially noteworthy are the Order's warnings about the spread of communism in our own hemisphere, not through the free progress of ideas, but through a systematic program of subversion and military force directed by the Soviet Union and Cuba. I hope my colleagues ponder the wise counsel of the Order's resolutions as we make daily decisions that affect the future of our great Republic.

The resolutions follow:

Whereas the Naval Order of the United States is the oldest organization for members of the U.S. Armed Forces, having been founded July 4, 1890; and,

Whereas it has a long history of support for the U.S. Navy and other maritime services from the original recruiting of state militia through the passage of the Naval Reserve Act and in more recent times, support for the current administration in increasing naval power; and,

Whereas the Naval Order and its members were importantly active in the organization of the Navy League as a civilian arm of the Navy and the organization of the Naval Reserve; Now, therefore, be it

Resolved, That the Naval Order does hereby extend to the Navy League its congratulations and thanks for the great progress it has made and the great support it has given and is giving to the Navy, and further, that the Naval Order proposes to said organization a joint effort on Navy Day 1982 to emphasize the importance of Naval power to the American people.

Whereas the United States Navy over the past decade has declined from a position of relative strength to a status where the relative strength compared to Soviet power marks a dangerous trend; and,

Whereas the Soviet Union has in the same period greatly increased its naval forces to a point where they now are capable of challenging U.S. naval power all over the world; Now, therefore, be it

Resolved, That the Naval Order hereby commends the present administration for its decision to support increased naval appropriations, and strongly urges the Congress to support all incentives to bring the U.S. Navy up to a 600 ship level and a comparable fighting strength at the earliest date feasible.

Whereas the Soviet Union and Cuba have been moving forward rapidly in their aims to subvert Caribbean and Central American governments through terrorism and surrogate armed intervention; and,

Whereas during the past several years they have succeeded, with little attention in the U.S. media, in overthrowing pro-American governments in Nicaragua, Grenada, St. Lucia and Dominica, and are currently attacking pro-Western governments in El Salvador, Honduras and Guatemala; Now, therefore, be it

Resolved, by the Naval Order that President Reagan be strongly urged to enunciate, in concert with other American governments a new and expanded Monroe Doctrine declaring the American continent off limits to Communism or any other form of government which denies human freedom and human rights.

Whereas the Soviet Union has exploited U.S. peace initiatives to build-up its strategic and conventional warfare capabilities; and,

Whereas this has given the Soviet Union the means to support increasingly bolder worldwide aggression; and

Whereas there is basis for concern that the Soviets may next use these forces in Pakistan, Iran, and Yugoslavia; and,

Whereas the Soviet Union has demonstrated an unwillingness to live by international law; and,

Whereas the United States is the one world power that can stop Soviet expansionism; Now therefore, be it

Resolved by the Naval Order of the United States, That the United States adopt a National Strategy of Peace Through Strength, the general principles of which would be: (1) to inspire, focus and unite the national will and determination to achieve this goal of peace and freedom, (2) to achieve overall military and naval technological superiority over the Soviet Union, (3) to create a strategic defense and a civil defense which would protect U.S. citizens against nuclear war at least as well as to Soviets defend their citizens, (4) to accept no arms control agreement which in any way jeopardize the security of the United States or its allies, or locks the U.S. into a position of military inferiority, (5) to reestablish effective security and intelligence capabilities, (6) to pursue positive non-military means to roll back the growth of communism, (7) to help our allies and other non-Communist countries defend themselves against Communist aggressions, and (8) to maintain a strong economy and protect our overseas sources of energy and other vital raw materials.

Whereas it will take the combined efforts of hundreds of organizations to achieve the adoption of a National Strategy of Peace Through Strength; Now, therefore, be it

Resolved by the Naval Order of the United States, That it will join the Coalition for Peace Through Strength to work with other organizations for the adoption of a National Strategy of Peace Through Strength; However, the Naval Order reserves to itself the right to make its own decisions as to how the principles shall be applied on individual issues.

Whereas Public attention has been focussed on our heavy dependence on Middle East oil, and its vulnerability to Soviet intervention and possible cutoff; and,

Whereas recent studies have renewed apprehension about the vulnerability of Western industrial society to shortages and stoppages of other very critical strategic raw material—such as magnesium, cobalt and

aluminum, as well as nickel, zinc and tungsten. Now, therefore, be it

Resolved, That the Naval Order does hereby urge the Congress of the United States to ensure access to such strategic supplies by making certain that the United States defense forces available to defend such areas are adequate, including advanced high performance long range aircraft like the B-1, the F-14, and the A-6, and that the Navy carrier force be maintained and augmented, preferably with nuclear carriers, and that all the military services are able to recruit and retain high caliber people.

Whereas it has become apparent that the Soviet Union, Cuba and Libya are joined together in an effort through terrorism, subversion and armed intervention to subvert various governments on the African continent; and,

Whereas Communist governments have already been established in Angola and Mozambique through which guerrilla attacks continue to be made on the Republic of South Africa, an anti-communist government; and,

Whereas the Clark Amendment has prohibited aid being furnished to the pro-Western opponents of these communist governments; Now, therefore, be it

Resolved by the Naval Order, That the President, the Secretary of State and the Congress be, and they are hereby urged to repeal the Clark Amendment, and they are urged to support pro-Western opposition to all guerilla actions supported by the communist supported governments in Angola and Mozambique.

Whereas the tentative success of the all-volunteer military service continues to be questionable, and should in any event be reinforced by some more positive policy of recruitment; and,

Whereas most other nations of the world have provided for some sort of required military or naval service; Now therefore, be it

Resolved, That the Naval Order urge Congress to adopt some form of Universal Service system whereby the youth of our country be required to participate in some form of national service, governmental or community, military or non-military, for some prescribed period of time.

Whereas authoritative recent studies have indicated the need for more trained and ready Reservists in time of mobilization; and,

Whereas such Reserves are a cost effective addition to our nation's mobilization capability; Now therefore, be it

Resolved by the Naval Order, That Congress be urged to provide appropriate increments to bring the Naval Reserve up to validated manpower requirements, and that appropriate equipment and training be made available, including the assignment of ships needed for Naval Reserve training.

POPULATION EXPANSION CAN FOREDOOM SUCCESS OF FOREIGN ASSISTANCE PROGRAMS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PORTER. Mr. Speaker, I have addressed the House previously as a member of the Foreign Operations Subcommittee on the question of how population control bears on the poten-

tial for success of our programs of economic development assistance.

It is no secret that many of the Third World nations represented at the recent conference at Cancun have rates of population growth that foredoom any possible assistance program from any chance of improving the economic lot of their average citizens.

President Reagan faced very powerful emotions arising from the disparities in the world between the wealthy, industrial nations and the poor, developing countries.

But just as we cannot expect economic growth in those nations which ignore sound economic policies, neither can we expect such growth to improve the quality of life for the common man where it is outraced by expanding population.

I would hope this very obvious fact is one laid on the table and fully and carefully considered in our deliberations with the leaders of those peoples for whom American aid means so much.

I insert at this point in the RECORD an extraordinarily perceptive article on this subject from the October 26, 1981 issue of Newsweek and urge my colleagues consideration of its message.

THE TOUGHLOVE SOLUTION

(By Garrett Hardin)

Why should the United States be concerned with the suffering of poor countries? Two sorts of reasons are given, one moral and the other prudential.

The prudential reasons are plausible, but basically unsound. We are told that if we don't take care of a poor nation it might attack us. Nonsense. Modern warfare is so expensive that even rich nations cannot afford it. If a poor country can't afford bread, it certainly can't afford guns. International terrorism comes cheaper, of course. So long as there is envy in the world—which is forever—terrorism will be a tempting option. The answer to terrorism is police action: this is not a perfect answer, but it is the best there is.

What about this: "If we don't take care of poor people in their own countries, won't they migrate into ours?" Unfortunately, there are 2.5 billion poor people in the world, and they are increasing by 40 million per year. We cannot possibly keep up with this need. Our responsibility is to keep our country from being overwhelmed by immigrants. The responsibility of each poor country is to keep the excess population from being produced.

Lesson: What remains are the moral reasons for helping other countries, and these are weighty. But we must remember what we have learned from domestic experiences: We can't solve social problems by blindly throwing money at them. We've had a salutary lesson in the development of India and China during the past three decades. Since 1950 India has received massive foreign aid from many countries, but China from only one country (the Soviet Union) and that only until 1957. At the outset the two countries were equally miserable and had equally poor prospects. Today? Without question the people of China are far better off. Foreign aid did not rescue India from poverty;

lack of aid did not handicap China. In fact, it may be that China did so well precisely because she was not "helped" by "aid."

Back in 1945 Mao Tse-tung committed China to a policy of "regeneration through our own efforts." Fertilizers and factories are splendid things, but far more important than technology is what is inside the heads of men and women. Foreign aid can supply technology: the people must be willing to make the social changes that will make technology work.

It is essential that we distinguish between crisis and crunch. When an earthquake killed 23,000 people in Guatemala in 1976, that was a crisis. The world responded generously, and it should have. But when thousands—or millions—of people die of starvation in an overpopulated country like Bangladesh, what we are confronted with is not a crisis but a crunch. Ninety-four million Bangladeshi live in an area the size of Iowa—which has only 3 million people. Bangladesh, with its fertile soil and a climate that permits three crops a year, is a rich country, but not rich enough to add three-quarters of an Iowa every year to a population already 30 times as large. Direct food aid to such a country merely subsidizes further destructive population growth.

Sensing that gifts are bad, we generate euphemisms to hide our tracks. "Concessionary rates of interest" is a euphemism; anyone who can borrow money at 3 percent when the going rate is 8 percent is getting a gift. A loan forgiven is certainly a gift. Poor countries ask for, and get, loan after loan. As their debt mounts, the burden of "servicing the debt"—paying the interest—becomes unbearable. Finally, since foreclosure is out of the question, the lender has no choice but to forgive the debt.

Drugs: Way back in 1953 John Foster Dulles saw the direction foreign aid was taking. "You know," he said to a friend, "aid is like opium. There are withdrawal pains when you remove it." I think we have now reached the stage when foreign-aid addicts should be subjected to the "cold turkey" treatment. Most of the world's wretchedness is caused by the crunch of overpopulation, which will only be made worse by the drug called "aid." That this drug is addictive is shown in a statement made by the President of Kenya in 1980: "No country can maintain its economic independence without assistance from the outside." What a long way from Mao, and what a curious definition it implies of "independence!"

Now that rich countries are catching on to the corruption of the word "loan," poor countries are taking a different tack: they are demanding concessions in foreign trade. They want to be paid more than market prices for their exports and to buy at less than the market—gifts under another name.

Times are changing. Notice what is happening to parenting. We are relearning what has been known for thousands of years: love must be combined with discipline. Recently, a group of American parents, driven to distraction by their children's drug taking and rampant hedonism, joined forces to lay down the law to their children—with love. These parents meet to exchange ideas, and they meet with their children to say, "Shape up or ship out." Significantly, the parents called their organization Toughlove.

Courage: Toughlove parenting is perilous, but it has at least the possibility of solving problems permissiveness has created. Toughlove takes courage. Some of the children clear out. This is hard on parents, but they accept the risk because the alternative

of continuing to support irresponsible behavior is worse.

Relations among nations must be guided by Toughlove, too. Spokesmen for poor nations now threaten us with the loss of their love if we do not give them everything they demand. We must be prepared to lose their love out of genuine concern for the long-term interests of their people. Most of the poor countries are, in fact, rich—rich in natural resources. It is their governments, usually, that are poor.

To realize a country's inherent richness, a government must see to it that population matches the carrying capacity of the land. China has shown how to use incentives and disincentives to work toward this goal. China's methods may not be acceptable everywhere, but the goal should be universal. Each country must choose the means that meshes with its culture. Outsiders can furnish the technology of birth control, but population control must grow out of the will of the people, expressed through their political decisions.

There is no survival without self-reliance, which cannot be donated from the outside. Self-reliance must be generated inside each nation, by the people themselves. There is no other way.

FBI FINGERPRINT CUTBACKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 10 minutes.

● Mr. FISH. Mr. Speaker, my office has recently been contacted by several constituents, including a county judge and two sheriffs, expressing great concern over the suspension, by the FBI, of certain fingerprint identification services provided under Public Law 92-544. The suspension of these services became effective on October 1, 1981.

These constituents impressed on me the ominous potential for dangerous consequences resulting from this change in policy. As I understand it, the suspension was considered necessary because of a backlog of unprocessed requests resulting from budgetary restraints, that led to a reduction in staff in the fingerprint identification division. These constraints came at a time of increasing demand for services due to the rapidly escalating crime rates in all our States. Specifically, as of September 1, the average processing time for requests had increased to 27 workdays.

According to the Department of Justice's new policy, discretionary services provided under Public Law 92-544 to consumers such as banking institutions, the securities industry, and State and local employment and licensing authorities, are suspended until a user fee system can be implemented, effective October 1, 1982.

I certainly concur with the Department's feeling that this lengthy backlog cannot be tolerated. Particularly where it interferes with prompt response to requests from law enforcement agencies. I do question whether all the services under suspension

should be canceled. Although, from a technical perspective, these consumers are not law enforcement agencies, their indirect contribution to effective law enforcement in this country should not be underestimated. Indeed, without the cooperation of private concerns and State licensing agencies, our efforts to curb crime will be seriously undermined.

For instance, in New York, the decision to suspend these services has seriously interfered with effective licensing of handguns. I assume the same is true of other States which have attempted on the State level to keep handguns out of the hands of known criminals. Also, fingerprint checks of prospective employees in sensitive industries such as education, banking, and gambling prevent the infiltration of those concerns by convicted criminals.

It would seem to me that at a minimum, the Department of Justice should reevaluate its sweeping decision to suspend these services to all discretionary users. Services should be continued to institutions that make considerable contributions to law enforcement. I believe we can all see the difference between the licensing of a barber or beautician or real estate salesman, and a county judge who, under law, is required to have an FBI fingerprint check before issuing a license for firearms. Or for employment of someone in the educational system who will be dealing with our children.

In addition, I believe that the Department should attempt to institute the user fee system in advance of the current projects date, which is 1 year away.

Mr. Speaker, I mention this at this time, as I believe a majority of Members would be anxious to see that the FBI continue to assist the States in this important issue. If the Department of Justice fails to implement some modifications in its present program, I suggest that the Congress may have to consider amending Public Law 92-544 to make mandatory at least some of the more important services provided by that law. ●

INTRODUCTION OF THE INTERNATIONAL JOINT VENTURE ACT OF 1981

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. McCLODY) is recognized for 30 minutes.

Mr. McCLODY. Mr. Speaker, today I am introducing the International Joint Venture Act of 1981, a bill designed to resolve several problems which have arisen in connection with the application of the actual potential entrant antitrust doctrine to joint ventures between U.S. companies and foreign companies.

Mr. Speaker, it is not uncommon for American companies to enter into cooperative arrangements with foreign corporations which are not currently competitors in the United States but which may, under the actual potential entrant doctrine, be characterized as future potential competitors. Our American businessmen have taken these initiatives in order to obtain valuable technology, supplemental product lines, raw materials, and access to distribution, marketing, and manufacturing facilities. Such arrangements not only strengthen the U.S. companies domestically but frequently serve our broader international interest by enabling such companies to expand their export markets.

The actual potential entrant doctrine has been applied to prohibit an association between a company and a potential competitor of that company on the ground that its effect may be substantially to lessen competition, a violation of section 7 of the Clayton Act, by preventing the potential competitor from entering the marketplace on its own. As applied to agreements which are wholly between American companies, the potential entrant doctrine has been useful in encouraging and preserving a competitive domestic environment, and I have no quarrel with it. As the Federal Trade Commission has sought to apply this doctrine to joint ventures between American and foreign companies, however, our national interest has not always been well served. A joint venture arrangement may, in fact, preserve American jobs by temporarily precluding entry of a foreign competitor and providing the U.S. company with the resources it needs to remain viable and competitive. We are all aware of the domestic industries which have been grievously weakened or even entirely eliminated due to foreign competition which is unchecked or with regard to which U.S. companies have had no opportunity to negotiate agreements which would safeguard our national interest in preserving American industrial bases.

As I have indicated, the other factor now adversely affected by the application of the actual potential entrant doctrine to joint ventures between U.S. companies and foreign companies is the loss of export opportunities, which should be of particular concern to every American. Development of export markets, founded on a stronger American competitive entry and furthered by the joint venture, is a dividend we simply cannot afford to pass by.

Mr. Speaker, my interest in this matter arises from a case in which an American company from my own State of Illinois, the Brunswick Corp., was ordered by the Federal Trade Commission to sell its interest in a joint venture to a foreign corporation,

Yamaha Motor Co., Ltd., with which it had entered into a joint venture agreement in 1972. That joint venture involved the sharing of technology and provided that the parties would have equal interests in an outboard motor manufacturing facility. The FTC challenged this undertaking under section 7 of the Clayton Act as well as section 5 of the FTC Act, but an administrative law judge found that the anticompetitive effects of the joint venture were outweighed by the procompetitive effects. Specifically, these were the addition of a new line of Mariner outboard motors to be sold by Brunswick in the American market and the enhancement of Yamaha's potential for future independent entry into the market at the end of the joint venture. The FTC, however, reversed the administrative law judge's decision and after additional hearings by the ALJ the Commission issued an order requiring Brunswick, Mariner, and Yamaha to rescind the joint venture agreement and collateral agreements. It also required Brunswick and Mariner to sell to Yamaha their stock holdings in the joint manufacturing facility at a set price. This decision has been upheld by the Eighth Circuit Court of Appeals.

In my judgment, this action by the Federal Trade Commission unfairly deprives an American company of a fair market price for its interest in a successful joint venture, and jeopardizes the continued supply of products from that joint venture to the American company at a reasonable cost. All of this will be very much to the advantage of the foreign company and I have never heard of an instance in which a foreign company was so treated by its own government in similar circumstances. In situations such as this, it should be our practice to act from an awareness of our broader national interest.

The bill which I am introducing today does not sanction joint venture agreements which are between American companies and which might violate the actual potential entrant doctrine. Nor does it sanction a joint venture between an American company and a foreign company if the latter is already substantially engaged in the same line of commerce in the United States as the joint venturers would propose to share. I support our present policy in these areas. It will, however, allow an American company, such as Brunswick, to join temporarily with one or more foreign companies to engage in a line of commerce in which the foreign companies do not now compete in this country even though one or more of them is a potential competitor in the United States. It requires that the joint venture be terminable at the will of any party thereto no later than 10 years after the date the joint venture is formed. This in-

sures that while joint venture sanctioned by the bill may defer the day of entry of a foreign potential competitor, it will not preclude entry indefinitely. And any foreign company is free, of course, not to enter into a joint venture with an American company but to enter on its own into the American marketplace. My bill simply provides protection for limited-term arrangements between U.S. companies and foreign companies not presently in the American market in the same line of commerce, and by providing such protection I would hope it would encourage more such arrangements. To provide this protection appears to me to be an effective way to insure that more American companies will survive and prosper in a highly competitive world market and more jobs for Americans will be preserved.

Mr. Speaker, I am including herewith the text of the bill which I have introduced today:

H.R. 4868

A bill to clarify the application of the Clayton Act and the Federal Trade Commission Act with respect to certain joint ventures which promote the international competitiveness of U.S. businesses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "International Joint Venture Act of 1981".

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds the following:

(1) The health and productivity of United States businesses have become increasingly dependent upon their ability to compete effectively in world markets.

(2) To compete effectively in world markets, United States businesses find it advantageous and often necessary to enter into certain limited joint venture arrangements with foreign businesses, through which United States businesses obtain valuable technology, supplemental product lines, raw materials, access to new export markets, and access to distribution, marketing, and manufacturing facilities.

(3) United States businesses are currently discouraged from entering into such joint ventures by the application of certain antitrust laws of the United States to cooperative arrangements with foreign businesses which are not currently competitors in the United States but which may, under the "actual potential entrant" doctrine, be characterized as future potential competitors.

(4) Such application of the antitrust laws reduces the competitiveness of United States businesses in world markets and is not necessary to promote the entry of foreign competitors in the United States.

(b) It is the purpose of this Act to promote the international competitiveness of United States businesses by permitting them to participate in certain limited international joint ventures.

Sec. 3. For purposes of this Act—

(1) the term "United States person" means an individual who is a citizen of the United States, or a partnership, corporation, or other legal entity organized under the

laws of the United States or of any State or Territory of the United States, and

(2) the term "foreign person" means any person other than a United States person.

Sec. 4. Section 7 of the Clayton Act (15 U.S.C. 18) and section 5 of the Federal Trade Commission Act (15 U.S.C. 45) shall not be construed to prohibit a United States person from entering into any contract or agreement providing for the establishment, or the performance of the business of, a joint venture or to prohibit the acquisition or ownership by a United States person of stock, other capital, or assets of a joint venture if such joint venture—

(1) is formed by only such United States person and one or more foreign persons,

(2) does not engage, or is not intended to engage, in any line of commerce in the United States in which such foreign person, or any person controlling, controlled by, or under common control with such foreign person, is actually and substantially engaged in the United States at the time such joint venture is formed,

(3) is terminable at the will of any party to such joint venture no later than 10 years after the date such joint venture is formed, and

(4)(A) provides for the exchange of licenses, patents, trade secrets, or other forms of technology, or

(B) provides access to raw materials or to distribution, marketing, or manufacturing facilities.

Sec. 5. This act shall apply with respect to any proceeding which is pending on or after the date of the enactment of this Act.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. McCLODY. I yield to the gentleman from Illinois.

□ 1500

Mr. PORTER. I thank my distinguished colleague.

Mr. Speaker, it seems to me that the issue of effective U.S. competition in world markets and the proper role of U.S. companies doing business with multinational and foreign-based concerns in American markets is one that the House is both familiar with and has attempted for sometime to reconcile.

Our intent should be to foster U.S. trade interests and lower prices for the American consumer. For that reason I share my distinguished colleague's concern on the implications of the recent Eighth Circuit Court of Appeals decision on joint ventures and the so-called actual potential entrant concept.

The court upheld the application of an FTC doctrine developed in theory that limits the kinds of agreements that U.S. companies involved in multinational trade can engage in.

In the case before the court, Brunswick Corp., an American concern and Yamaha Motor Co., Ltd., of Japan, entered into a joint venture to manufacture and market outboard motors. As part of the agreement, Brunswick bought an equal interest with Yamaha in a company called Sanshin-Kogyo Co., Ltd., limited and contributed Brunswick technology and know-how to make the venture a success.

The FTC challenged the venture on the ground that it restrained trade by preventing Yamaha from capturing a share of the U.S. market independently. In fact, Yamaha had previously attempted to penetrate the U.S. market on its own and it failed rather miserably.

Frankly, I do not believe it was ever the intent of Congress to give the FTC authority to proscribe this type of an arrangement. Nor do I see the value of an extraterritorial application of U.S. antitrust law that has no better effect than to damage U.S. business interests, to lessen competition in the marketplace and deny to U.S. consumers the lower prices that result from competition.

The court's judgment dissolves the joint venture and requires Brunswick to sell its Sanshin stock to Yamaha. The result will be to give to Yamaha a competitive edge in both the world and U.S. markets.

For these reasons, I believe that the Congress should act quickly and favorably on the International Joint Venture Act to clear up the limits on the doctrine upon which the FTC predicated its very unwise judgment.

I fully concur with my distinguished colleague from Illinois, the ranking minority member of the House Committee on the Judiciary, who has introduced legislation to correct this misreading of the act and I join him as a cosponsor in this legislation.

I would hope that the Judiciary Committee's Subcommittee on Monopolies and Commercial Law will give this issue the consideration it deserves promptly and will correct the errors inherent in the FTC's unfortunate misreading of Congress intent.

Mr. McCLODY. I thank the gentleman very much for his statement and for his support and for his excellent Japanese pronunciation and for his willingness to be a cosponsor of this legislation.

GENERAL LEAVE

Mr. McCLODY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE HUD ROCKDALE APARTMENTS FIASCO REVISITED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 10 minutes.

● Mr. LEVITAS. Mr. Speaker, 3 years ago, in February 1978, as a result of an Inspector General's report which I had requested, the Subcommittee on

Housing and Community Development of the House Banking, Finance, and Urban Affairs Committee held hearings to investigate a spectacular example of mismanagement in a Department of Housing and Urban Development multifamily housing project. I was concerned that the fiasco involving that project, the Rockdale apartment project in Atlanta, might be simply one example of a broader problem in the Department's management practices.

Construction of the Rockdale apartment project began in 1968. The building was finished and the apartment complex occupied in 1972. Four years later the project had to be completely torn down—demolished by order of HUD—resulting in a total waste of almost 5 million taxpayer dollars in addition to the human and social loss of these housing facilities. Investigators looking into the project found faulty work by construction contractors, inadequate performance by the supervisory architect, improper approval of construction change orders, and, perhaps most alarming, poor performance by HUD inspectors and their supervisors. The HUD Inspector General's report further indicated that this project was not an isolated case, but indicative of a nationwide problem. As a result of these hearings, HUD promised to improve its monitoring of the construction of housing projects to catch other mismanaged ventures before they reached the disaster stage, and to prevent outrages like the Rockdale apartments from occurring again.

Today, 3 years later, we have a new report by Housing and Urban Development's Inspector General. And we find, to our disgust, that the new report yet again reveals serious mismanagement of funds in the construction and administration of housing projects. This new report would have, hopefully, disclosed the progress that HUD had made since the Rockdale project fiasco hearings. Regrettably that was not what the Inspector General's report revealed.

In an audit of inspection procedures and practices for 16 projects in the Atlanta region, the Inspector General found a large number of unreported deficiencies in their design and construction. According to the report, more than 600 construction deficiencies were found "that should have been but were not reported by staff or fee inspectors during their inspection." More than 100 of these deficiencies were considered "especially significant." If these especially significant weaknesses are not corrected, the results "could adversely affect the health and safety of the residents."

At a time when we are struggling to get a grip on the ever-increasing Federal budget and runaway deficit spend-

ing, and make the best possible use of every dollar we do spend, the waste that continues at HUD is inexcusable. The shoddy way in which these housing units have been constructed can only be compounded by the further expenditure of tax dollars to correct structural defects and cover higher maintenance costs.

What makes this situation so outrageous is the fact that HUD has had more than 3 years to correct these problems in oversight and management, yet has apparently done little or nothing to solve them. The problems were those identified 3 years ago, which HUD acknowledged and promised to correct, and, yet, the same abuse is still going on. Moreover, the recommendations made in the latest Inspector General's report to correct these abuses are essentially the same as those we heard in 1978—recommendations which obviously had no impact.

It is time to take more serious action on this matter, and I have contacted our colleague, Congressman HENRY GONZALEZ, who now chairs the Subcommittee on Housing and Community Development, to hold hearings to investigate it further. If the findings of the recent audit report accurately portray the manner of development and construction of multifamily housing projects in general, a great deal of the taxpayer's dollars are being wasted on these projects. The single catastrophe at the Rockdale apartments project cost the taxpayers \$5 million. Three years and two IG reports later we are told that expensive alterations are necessary to salvage 16 other projects in the Southeast region. How widespread will we ultimately find this abuse to be, and how long will it be before we stop it? The time is now. If not us, then who will?●

SOLVING DEVELOPING NATIONS' ENERGY PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

● Mr. BEDELL. Mr. Speaker, in a 1-minute speech at the opening of Tuesday's session, I mentioned a hearing I cochaired last week with DICK OTTINGER. The subject of our hearing was helping the developing nations of the Third World to meet their energy needs.

More than anything else, the focal point of that hearing was the Reagan administration's opposition to the opening of an energy window at the World Bank. This is a proposal that was discussed at the U.N. Conference on New and Renewable Energy which was held in Nairobi, Kenya, this past August. The United States stands alone as the only nation in the world that actively opposes this idea.

At our hearing last week, representatives of the State Department explained that our Government's opposition to the energy affiliate is based upon the notion that this proposal would result in the creation of a new bureaucracy at the World Bank and would cost the U.S. Treasury money.

Robert S. McNamara, our former Secretary of Defense and the immediate past president of the World Bank, also testified at the hearing. He explained very clearly that creation of the proposed energy affiliate would not create any new bureaucracy. And he stated that it would not necessarily have any foreseeable impact on the U.S. Treasury.

Mr. Speaker, Mr. McNamara's remarks were very well reported by the Oil Daily, a trade paper that is widely read throughout the petroleum industry. At the conclusion of my remarks, I would like to insert in the RECORD an article that appeared in the October 22 issue of the Oil Daily.

Also, I wish to include in the RECORD an editorial that appeared in the same publication the following day.

The Oil Daily's editorial takes issue with recent suggestions by the Reagan administration that the Third World nations must solve their energy problems by themselves, without significant assistance from the developed countries such as the United States. After noting the importance and severity of the energy problem, the newspaper states, "The solution does not lie in telling Third World nations to help themselves."

The Oil Daily editorial concludes:

Energy and mineral resources in the world demand that the United States and the rest of the western industrialized sector take the economic needs of the Third World seriously. To not do so today would be to invite serious consequences 25 years from now.

Mr. Speaker, I do not agree with the view that we will have to wait 25 years to see the negative impact of the course our Government is pursuing today. I believe the consequences will be felt much more immediately, in terms of diminished export opportunities for American companies and increased demand placed on the world's limited resources of conventional fuels. Otherwise, I have no disagreement with the Oil Daily's thoughtful editorial, and I commend it to my colleagues' attention.

[From the Oil Daily, Oct. 22, 1981]

McNAMARA SAYS WORLD BANK ENERGY AFFILIATE WON'T CREATE BUREAUCRACY
(By Donna Smith)

WASHINGTON.—A World Bank energy affiliate would not create a new bureaucracy, nor would it have much effect on the U.S. budget, Robert McNamara, former president of the bank, told a joint House panel Wednesday.

An energy affiliate could expand energy development within Third World countries "with little or no call on the U.S. federal budget," McNamara told members of the

Subcommittee on Energy and Conservation of the House Energy and Commerce Committee and the Subcommittee on Energy and Environment of the House Small Business Committee.

He said the U.S. would buy itself more security by putting its marginal money into Third World development assistance than by spending it on military superiority. If the federal government cannot find a way to address the problems of development assistance, McNamara said, "then it ought to consider shifting funds."

"I am saying that as a former secretary of defense," McNamara added.

OPENING A WINDOW

McNamara said the energy affiliate at the World Bank would in reality be little more than "opening a window" devoted to energy lending and would not involve the creation of a new bureaucracy as had been argued by the Reagan administration.

The World Bank energy spending program includes adding \$16 billion to the \$14 billion that has been earmarked for energy loans from fiscal 1982 through 1986, McNamara said.

The money can be raised through financial markets, in which case it would not add to the U.S. budget. He told the panel the bank has never lost money on a loan because of its strict lending policies.

McNamara said he believed increased World Bank energy lending would spur private sector energy investment in developing countries. He said that at least four U.S. oil companies have talked to him about World Bank backing on loans.

McNamara said Union Oil Co. of California has talked to him about a project in Thailand, where the company was willing to assume the financial risks in developing a field but wanted the World Bank to loan money to build a pipeline to the field.

Other companies with projects who have indicated they would like World Bank protection, McNamara said, are Phillips Petroleum, for a project in the Ivory Coast, Chevron for a project in the Sudan, and Gulf Oil Co. for a project in Pakistan.

The World Bank energy affiliate will be discussed at the 21-nation economic talks scheduled to begin Thursday in Cancun, Mexico. President Reagan is likely to stand alone in opposition to development of the energy affiliate.

He is likely to argue to the leaders of the eight industrialized and 14 developing countries who will be represented at the meeting that the private sector should be relied upon in Third World energy development.

[From the Oil Daily, Oct. 23, 1981]

ENERGY AND THE THIRD WORLD

President Reagan has conveyed his administration's view that the nations of the Third World should essentially help themselves if they expect to close the gap between themselves and the industrialized countries. While the idea got a predictably frosty reception at the international conference in Cancun, Mexico, the view is understandable considering the United States' lack of success in its foreign aid efforts. The time is long past when anyone seriously believes problems of the developing nations can be solved by simply throwing money at them.

When it comes to energy and the Third World, however, it's not so easy to dismiss those countries' pleas for assistance. In contrast to industrialized nations, where the rate of increase in energy demand has al-

ready declined in recent years, developing countries' demand rates will rise more quickly than ever. The World Bank notes in its World Development Report 1981 that oil importing developing countries' energy intensities will rise between now and 1990—from 4.3 to 4.4 barrels per \$1,000 of gross domestic product. That takes into consideration the impact of rising prices; without such increases, developing countries would have raised their consumption from 1980's 13.7 million barrels per day oil equivalent to 24.3 million b/d oil equivalent by the end of the decade instead of the currently projected 24 million b/d oil equivalent.

And because demand in the Third World has not declined as much as in the industrialized nations, developing countries which currently account for only 14 percent of world commercial energy demand (with a quarter of that still supplied by fuel wood and other non-commercial sources) are expected to raise their share of total world consumption to 18 percent by 1990, according to the World Bank study. It adds that rising prices will help make energy's bite out of developing countries' revenues climb from pre-1973 levels of 4 to 5 percent to a projected 1990 level of 10 to 12 percent.

Finally, the report notes, "the growing scarcity of traditional fuels is the energy crisis in much of the developing world. Shortages are not a new problem in those parts of Asia, Africa and Latin America, where population growth and the need to clear land for agricultural use have long put pressure on forests. But they are now much exacerbated as the higher prices of conventional energy raise the demand for traditional fuels, especially for charcoal in urban areas. And demand for construction materials and pulp and paper, of course, continues to grow."

The challenge raised by the Third World to the developing nations in this context is not a new one. Weeks before the opening of the Cancun conference, the importance of narrowing the economic gaps between the two sectors was raised as the major theme to be discussed. Despite the previously mentioned poor track record of U.S. foreign aid, however, the solution does not lie in telling Third World nations to help themselves.

Several Third World leaders are aware of this. In discussing the problem, they agree that money is not enough. What's needed is technical assistance from the industrialized nations to help promote developing countries' industrial growth. The commonly used phrase "technology transfer" almost implies a kind of giveaway, suggesting the United States and other western countries turn over proven management expertise to the developing nations. That, too, is simplistic.

What's needed, instead, is a partnership between the resource-rich developing countries and the technology-rich industrialized nations. Members of the Organization of Petroleum Exporting Countries often refer to a "new economic order," based on their oil influence. U.S. oil companies have not ignored the possibilities, either: Robert McNamara, a former U.S. Secretary of Defense as well as former president of the World Bank, told two House subcommittees this week that Union, Phillips, Gulf and Standard of California have each shown interest in Third World projects provided the World Bank is able to provide adequate financial safeguards. McNamara said the answer was to back plans for a World Bank energy affiliate, something the Reagan administration opposes.

Energy and mineral resources in the world demand that the United States and the rest

of the Western industrialized sector take the economic needs of the Third World seriously. To not do so today will be to invite serious consequences 25 years from now. ●

BENJAMIN BOGOMOLNY—THE CONGRESSIONAL VIGIL ON SOVIET JEWRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEISS) is recognized for 5 minutes.

● Mr. WEISS. Mr. Speaker, as a member of the Congressional Vigil on Soviet Jewry, I want to call my colleagues' attention today to the case of Benjamin Bogomolny. Benjamin Bogomolny is a 35-year-old mathematician who was prevented from leaving the Soviet Union with his family in 1970 and subsequently has been harassed repeatedly.

Bogomolny first applied for an exit visa in 1966 along with his parents. When his parents and his three sisters received visas in 1970, Bogomolny was instead drafted into the Soviet Army. After his discharge in 1972, he reapplied for an exit visa but was refused under a Soviet law which prohibits emigration within 5 years of serving in the army. Bogomolny now has been out of the army for 9 years but still is not permitted to be reunited with his family.

In these 9 years, his apartment has been ransacked and his possessions painted red, his books on Judaism have been confiscated, and his telephone service has been disconnected repeatedly. When Bogomolny helped organize a symposium on Jewish culture in 1976, he was searched by Soviet officials and all correspondence pertaining to the symposium was confiscated. This unjust treatment violates the Helsinki Final Act and I rise today to express my very deep concern for the basic rights and the well-being of Benjamin Bogomolny.

The case I have described today is evidence that mistreatment of Jews wishing to emigrate from the Soviet Union really is not limited to the better-known cases of Anatoly Scharansky, Viktor Brailovsky, and others. As the Congressional Vigil on Soviet Jewry helps document, this tragic problem is all too common.

I want to commend all of my colleagues who participate in this vigil and who have done so much to focus attention on the many abuses we hear of. Benjamin Bogomolny and all Soviet Jews deserve nothing less than justice and freedom. ●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. COLLINS) is recognized for 5 minutes.

● Mrs. COLLINS of Illinois. Mr. Speaker, I inadvertently voted for the

Dickinson motion to table the Schroeder motion on S. 815. I meant to vote against this motion (rollcall No. 287) to table Representative SCHROEDER's amendment. ●

PUBLIC LANDS CONSERVATION, REHABILITATION, AND IMPROVEMENT ACT

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SEIBERLING. Mr. Speaker, I am today introducing, with my colleagues, Mr. MOFFETT, Mr. CONTE, Mr. ROYBAL, and Mr. BEREUTER, the Public Lands Conservation, Rehabilitation, and Improvement Act of 1981.

The bill would establish a program to conserve, rehabilitate, and improve our Nation's natural and cultural resources by utilizing the untapped energies and abilities of our Nation's youth.

We have heard a great deal about the deteriorated condition of our public lands and community resources, including parks, rangelands, wildlife refuges, forests, water resources, fishery facilities, historic and cultural sites, and urban facilities. All have become subject to increasing public use and resource production demands.

The Bureau of Land Management has reported that 135 million acres of rangeland are in substandard condition, and another 63 million acres suffer from significant soil erosion. Ancient ruins standing on public lands are being ravaged by pot hunters and vandals. The General Accounting Office has reported that the National Park Service alone needs \$1.6 billion to correct health and safety deficiencies in our national parks.

Indeed, recreation use has placed increasing demands on our Nation's lands and resources. The Director of the National Park Service recently testified that visitation to many of our national parks is up 20 to 25 percent this year. The Department of Agriculture estimates a 200-percent increase in land-based recreation activities in our national forests by the year 2000, and a 322-percent increase in water-based recreation by 2030. State agencies, such as the Parks Department of the State of Arkansas, have testified that many State parks have been "loved to death" by the increasing visitor load. City parks have also suffered from overuse and neglect.

At the same time that public use is growing, the backlog of needed conservation work continues to grow also—work in reforestation, timber stand improvement, rangeland management, historical and cultural site preservation, fish culture and habitat maintenance, road and trail construction and maintenance, erosion and flood con-

trol, fire prevention, energy conservation, reclamation of strip mined lands, and other similar activities. Such work is needed in our communities and urban centers as well, for improving waterfronts, repairing city parks and community facilities, conserving energy, and so forth.

It is clear that, with present reductions in agency budgets and personnel, the work would otherwise not be done. Yet the Federal Government has the responsibility to assure the continued productivity of our land and water resources, as well as to control Government spending. We must, therefore, find creative and economical solutions for our resource problems, to meet our human needs and to prevent the decay of our public lands.

OVERVIEW OF LEGISLATION

The bill would establish a youth conservation work program, modeled after the Civilian Conservation Corps of the 1930's. The purpose of the program would be to carry out conservation and rehabilitation projects on Federal, State, local, and Indian lands by establishing conservation centers and employing young men and women. Emphasis would be given to hiring disadvantaged youths and youths who live in areas of high unemployment.

The program would be funded through 1989 by using part of the Federal revenues generated from various leasing and permitting activities—oil and gas leasing, timber cutting, et cetera—by the Departments of the Interior and Agriculture. At least 40 percent of the funding would go to States for State-based programs.

The Secretary of the Interior would administer the program, with the cooperation of the Secretary of Agriculture. The Secretary of the Interior would provide assistance to various agencies to establish and operate residential and nonresidential conservation centers.

Conservation projects carried out through the program would include conservation of forests, fish, wildlife, rangelands, soils; revitalization of urban areas and preservation of historic and cultural sites; development and maintenance of recreational areas, roads, trails, waterfronts, ports, railroad beds, rights-of-way, and strip mined land; control of erosion, floods, pollution, and pests; and energy conservation and production of renewable resources.

Work would be done on publicly owned and Indian land, and on non-public land where public benefits accrue or reimbursement is obtained.

Program agencies, which may include Federal, State, local, and tribal government bodies and nonprofit organizations would apply to the Secretary to establish conservation centers to carry out projects. Centers would be selected to increase the enrollment of economically, socially, physically, and

educationally disadvantaged youths and youths from areas of high unemployment.

Enrollees must be unemployed, between ages 16 and 25—for summer programs, between 15 and 21—and citizens, lawful permanent residents of the United States or lawfully admitted aliens. An enrollee's total service could not exceed 24 months. Enrollees would receive the minimum wage. No conservation center would be funded if it would displace other agency employees or impair existing contracts.

Wherever possible, enrollees would receive academic credit from educational institutions for competence developed from conservation work and training and from academic study during nonworking hours. Work skills would be certified, and enrollees would receive job guidance and placement aid.

BENEFITS OF PROGRAM

The idea of utilizing our Nation's youth to accomplish this work is, of course, not new. Previous youth conservation programs did a great deal of work, at a reasonable cost. However, the programs were not sufficiently coordinated and they lacked the focus provided in this legislation—the conservation, rehabilitation, and improvement of our public lands and resources. Nor were previous programs sufficiently directed to disadvantaged youth or areas of high unemployment.

Figures on the cost of youth unemployment speak for themselves, up to 40 percent unemployment among young people in general and up to 50 percent among minorities. Not only is this country losing the value of their labor, but crime statistics compiled by the Department of Justice show that 60 percent of all arrests made in this country are persons aged 16 to 24. The cost of incarceration for juveniles is estimated at about \$24,000 per year. If only one-quarter of the young people arrested spend 60 months in detention, the direct cost to the taxpayer is \$27 billion annually. These financial figures are dwarfed by the social considerations: Senior citizens who are afraid to walk the streets; families traumatized by the ravages of this crime in their very midst.

In contrast to these shocking figures on the cost of youth unemployment, we have the positive examples of those who have been enrolled in other Federal and State youth conservation work programs. A dollar spent for their service has produced needed work that would cost \$1.20 or more by other means. And young people leaving these programs have demonstrated their improved work ethic, responsibility, and financial independence.

The cost of the program established by this bill would be only about \$10,000 annually per youth, and that youth would in turn produce \$7,500 worth of public benefits. When you

count in the overall benefits, from decreased welfare and unemployment costs to increased capital assets, from activities such as reforestation, the program will actually return far more to the Treasury than it costs.

Both the Subcommittee on Public Lands and National Parks, which I chair, and the Subcommittee on Environment, Energy, and Natural Resources, chaired by Mr. MOFFETT, have held hearings on previous programs which have used youth labor. Despite certain problems, which our bill would remedy, the programs have proven tremendously productive and cost effective.

Many activities, such as reforestation projects, have returned millions of dollars to the national Treasury. In California, Mr. Reagan created a youth program which today is one of the finest in the country and recently produced the fastest emergency relief team in the State. My own State of Ohio has an excellent program, which could well serve as a model for others throughout the Nation.

This country cannot afford to continue losing the productivity of our public lands and community resources. Equally important, we cannot lose our young people to welfare or crime. And in such austere times, we need more cost-effective programs that meet our national needs.

The Public Lands Conservation, Rehabilitation, and Improvement Act would produce a workable program that would both upgrade the lands and resources so desperately in need of improvement while providing an opportunity for our young people to serve their Nation and become productive citizens. And it would do so by returning more to the Treasury than it would cost. Most important, the bill would provide a means to give back to the people of our country that which they own—our precious legacy, the lands, and cultural heritage of this Nation.

Following is a section-by-section analysis of the bill:

SECTION-BY-SECTION ANALYSIS

Section 1 provides a short title for this Act: "Public Lands Conservation, Rehabilitation, and Improvement Act of 1981."

Section 2 establishes the findings of Congress: that public lands and resources are being subjected to increased public use as well as additional demands for resources production and that this demand has produced a deteriorated condition that is beyond the funding and staff capability of government agencies to arrest or repair. The bill establishes a program to enhance and rehabilitate these public lands by providing employment opportunities for young men and women. It recognizes the need to reduce the maintenance backlog on public lands; establish a program to accomplish this work in a cost effective manner; coordinate and cooperate in this effort with State and local governments, Indian Tribes and other public and private organizations.

Section 3 defines terms used in the bill.

Section 4 authorizes the Secretary of the Interior to establish and administer a Public Lands Conservation, Rehabilitation and Improvement Program. Under this program, the Secretary shall assist Federal and State agencies, non-profit organizations and Indian tribes (defined as "program agencies") in the establishment and operation of residential and non-residential conservation centers.

Typical projects to be accomplished under this program include: forestry, rangeland conservation, recreational area improvement, historical and cultural site preservation, urban revitalization, energy conservation, and other such activities which will result in public benefit. Preference to certain projects which, among other things, will provide long-term benefits to the public. Projects are limited to public lands, except where a project on other lands will have documented public benefits or reimbursement is provided. Projects must also be consistent with other provisions of law.

In addition, section 4 requires that program agencies apply to the Secretary of the Interior for approval to operate conservation centers. Application must include comprehensive description of the goals and objectives for such a center; a description of facilities and equipment to be available for the center; an estimate of enrollees, crew leaders, duration and type of services required for support; and a management plan for the center.

The location of conservation centers will be selected in such a way as to increase the enrollment of the economically, socially, physically and educationally disadvantaged youth and youth from areas of high unemployment. The Secretary must give due consideration to the cost and means of transportation between the center and homes of enrollees. Program agencies may enter into contracts with local government agencies and non-profit organizations for the management of conservation centers.

Section 5 describes eligibility for the program, including persons who are unemployed; not less than 16 or more than 25 years of age (except for summer programs where enrollees must be not less than 15 or more than 21 years of age); citizens, lawful permanent residents of the United States or lawfully admitted aliens or refugees. Except for the summer program, persons age 16-18 may not have left school for the express purpose of enrolling in this program.

Selection of enrollees is the responsibility of the chief administrator of the program agency. Enrollees shall be selected from those qualified who have applied to or been recruited by a program agency, State employment security service, community-based non-profit organization or the sponsor of an Indian program, or migrant or seasonal farm worker program and who have been screened for eligibility and referred by the State employment security service. Selection shall give preference to economically, socially, physically or educationally disadvantaged youth and to youth in areas of substantial unemployment.

No enrollee shall be a member of this program for longer than 24 months, although the period may be taken in 2 or 3 short terms which total no more than 24 months.

No enrollee may be employed as part of this program after age 26. The program agency shall be responsible for all services, facilities and supplies for the operation of conservation centers. Whenever possible the Secretary will arrange with the Secretary of

Defense for logistical support to be provided by military installations near the center. The chief administrator of the program agency shall appoint supervisory staff. Enrollees who have displayed exceptional leadership qualities may be appointed as crew leaders.

This section also authorizes funding of conservation centers through the Secretary of the Interior and places limits on the funding of certain centers. The Secretary may award grants or enter into agreements with program agencies for the operation of approved conservation centers, provided that the center will not displace otherwise employed individuals or employees in layoff status from the same or equivalent job, nor impair existing contracts for services.

A funding distribution formula is also provided. Not less than 40 percent of sums appropriated for this program shall be dispersed to State program agencies; of that amount 10 percent will be divided evenly among participating States and 90 percent will be distributed proportionally according to the total youth population of the States between the ages of 15 and 25. Not less than 25 percent of the remaining sums will be disbursed to the Department of Agriculture pursuant to agreements between the Secretary of Agriculture and the Secretary of the Interior.

Authorization for each fiscal year between 1983 and 1989 would be limited to a percentage of the amounts otherwise credited to miscellaneous receipts in the Treasury from all franchise and permit fees, leasing activities and timber sales in the Department of the Interior and the Department of Agriculture. Funding would require appropriations legislation and new budget authority would not be effective until after September 30, 1982.

Section 6 describes the Federal Employee Status of enrollees and amends Title 5 Section 8332(b) to accommodate the purposes of this Act.

Section 7 describes the Secretary of the Interior's special responsibilities with regard to setting minimum wage rates of pay for enrollees and coordination with other Federal, State, local and private activities. The Secretary is directed to submit, within a year of enactment, a study of the feasibility and desirability of allowing enrollees who have completed a two-year enrollment, to be exempt from military service and training under the Selective Service Act.

Section 8 directs the Secretary to make arrangements for the award of academic credit by educational institutions and agencies to enrollees who have attained work competencies as a result of this program.

Program agencies may provide educational materials and services for enrollees, and may enter into agreements with academic institutions to provide academic study for enrollees during non-working hours. Program agencies are directed to provide certification of skills acquired by enrollees and to provide job guidance and placement information as may be necessary.

Section 9 requires the Secretary of the Interior to make an annual report to the President and Congress on the activities of the program not later than March 1st of each year.●

PUBLIC LANDS CONSERVATION, REHABILITATION AND IMPROVEMENT ACT OF 1981

(Mr. MOFFETT asked and was given permission to extend his remarks at

this point in the RECORD and to include extraneous matter.)

● Mr. MOFFETT. Mr. Speaker, it is with great pleasure that I join today with my distinguished colleague, Mr. SEIBERLING, in introducing the Public Lands Conservation, Rehabilitation, and Improvement Act of 1981 (H.R. 4861). This legislation will:

First, reduce the backlog of conservation, rehabilitation and improvement work on the public lands and prevent the further deterioration of public lands and resources;

Second, establish a program to improve, restore, maintain, and conserve, public lands and resources in the most cost effective manner;

Third, to assist State and local governments in carrying out needed public land and resource conservation, rehabilitation, and improvement projects;

Fourth, foster conservation and the wise use of natural and cultural resources through the establishment of working relationships among the Federal, State, and local governments, Indian tribes, and other public and private organizations; and

Fifth, increase, by training and other means, employment opportunities for young men and women especially those who are economically, socially, physically, or educationally disadvantaged and who may not otherwise be productively employed.

My colleague Mr. SEIBERLING has already noted the devastating impact that increased use and neglect has had on our public parks, forests, wildlife refuges, and other public resources. I want to reemphasize that the Federal Government is responsible for the protection, conservation, and productivity of well over 1 billion acres of land. The Department of the Interior alone manages 170 million acres of rangeland, 23 million acres of commercial forest land, 398 national wildlife refuges, 346 Bureau of Land Management (BLM) recreation sites, over 800 National Park Service sites and facilities, and 91 national fish hatcheries. The U.S. Forest Service manages approximately 187 million acres of forest land. Those lands are held in trust for all Americans. They must be protected and managed in such a way as to provide the greatest benefit to all and at the lowest possible cost.

Unfortunately, over the years the pace of public investment in these resources has not kept pace with the demands on those resources. All of us have observed that our parks and recreation areas are deteriorating. Many Federal and State facilities have been forced to close or restrict their hours of operation because the funds and personnel are not available to keep trails open, repair bridges, and shelters, man visitor centers and patrol the vast areas involved. At the

same time we have seen a substantial increase in the demand for inexpensive recreation opportunities. In 1980 nearly 200 million people visited BLM recreation areas and 220 million people visited national parks. Last year alone, for example, over 9 million persons visited the Gateway National Recreation Area just outside New York City. There is no sign that this trend will slow down.

We have a special responsibility as Members of this body to preserve and protect the Nation's public natural resources in the most cost effective manner. That is what this legislation is designed to do, but this bill will do more.

The program we seek to establish here will not only restore, improve, and make more productive our public lands and waters, it is also designed to assist in the further development of America's greatest natural resource—our young people. Today many of our youths are caught in a vicious unemployment cycle. The jobless rate for youths in general is running around 40 percent. For minority youths it has hit an alltime high of 50 percent. This is an intolerable situation. While we all hope that actions taken by the Congress will improve the economy enough to provide more jobs for these nonproductive youths, I do not understand why hundreds of thousands of youths should stand idle when there is significant work to be done on our public lands and waters.

Mr. Speaker, this summer the Subcommittee on Environment, Energy and Natural Resources, which I chair, held 2 days of hearings on two youth conservation programs. We found that these programs provided valuable and cost-effective assistance to Federal and State land management agencies in their attempts to improve and conserve our public parks, forests, and other land and water resources.

In just the last 3 years these two programs, the Young Adult Conservation Corps (YACC), and the Youth Conservation Corps (YCC), have carried out conservation and improvement work for Federal and State land management agencies valued at approximately \$1 billion. Specifically, the YACC program accomplished \$1.20 of work for each \$1 expended, while YCC produced \$1.02 worth of work for each \$1 expended. In my own State of Connecticut YACC crews accomplished \$1.43 worth of work for each \$1 invested. No other Federal conservation programs—save the original Civilian Conservation Corps upon which these two programs were modeled—can boast of such high rates of return on each tax dollar appropriated.

These programs have contributed in a major way to the improvement and conservation of public lands and parks, and have also provided meaningful

employment for over 540,000 youths. Moreover, these programs have provided employment for over 80,000 youths from minority backgrounds.

Unfortunately, in the frenzy to cut the budget, both of these programs were targeted for elimination by the Reagan administration. I think the discontinuation of these programs was a mistake. The legislation we are introducing today will not, however, recreate these programs but rather it will provide a substantially improved program based on past experience. It will provide more jobs for economically disadvantaged youths and minority youths. It will provide more funds for State programs. It will provide for a more refined and focused program to improve our public natural resources. It will assure that high-priority work will be accomplished and in the most cost-effective manner.

The bill we are submitting to this body for consideration will provide meaningful work experiences for hundreds of thousands of our youths.

This is not a partisan issue. I hope that Members on both sides of the aisle will join with us and enact the Public Lands Conservation, Rehabilitation, and Improvement Act of 1981, this Congress.●

EAST-WEST TRADE POLICY HEARINGS ANNOUNCED

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. BINGHAM. Mr. Speaker, I am pleased to announce to the House and interested public that the Foreign Affairs Subcommittee on International Economic Policy and Trade, which I have the honor to chair, will commence hearings in early November to study the administration's emerging policy on East-West trade and progress made in implementing the Export Administration Act of 1979 (Public Law 96-72).

The subcommittee has requested testimony from Hon. Larry Brady, Assistant Secretary of Commerce for Trade Administration, Hon. Myer Rashish, Under Secretary of State for Economic Affairs, representatives of the Departments of Defense and Energy, and public witnesses. The subcommittee will study the administration's policy on trade with the Soviet Union, China, and Eastern Europe, the differences between these policies, and any differentiation in policy toward individual Eastern European countries. The subcommittee will also examine the U.S. position on exports to the U.S.S.R. of equipment to assist in energy resource development.

The subcommittee is particularly interested in U.S. proposals to our allies at upcoming meetings in Paris on multilateral controls on exports. The

dates and agenda for these meetings, agreed to at the Ottawa Summit, are yet to be announced, but I have a number of concerns about the anticipated nature of the U.S. proposals to our allies, which I have expressed to the President in the following letter:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., October 27, 1981.

President RONALD REAGAN,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I am concerned by reports reaching us that your Administration is presently formulating and expects soon to present to our COCOM allies proposals to expand existing multilateral controls on exports to the Soviet Union and Eastern Europe.

If the proposals are seen by our allies to be unrealistic or to damage commercial interests unreasonably without much benefit in terms of security, I fear that they could undermine allied cooperation on export controls and would impose an unnecessary strain on our relations with our allies at a time when crucial NATO defense decisions are pending.

Formal testimony and informal comments by representatives of the Administration suggest that the argument will be made to our allies that any industrial equipment which enhances a potential enemy's military-industrial base should not be licensed for export. I feel strongly that our allies will not accept such a radical broadening of the rationale previously agreed to with respect to the control of exports to the Soviet bloc. The allies will perceive that we are proposing severe restrictions on their exports of manufactured goods while the U.S. steps up sales of our agricultural commodities. I believe they will react especially adversely to the idea of banning energy-related technology, in view of the plausible case that can be made that the West is better off if the Soviets remain self-sufficient in energy resources.

If our proposals for multilateral export controls are to be accepted, they should be well-justified on national security grounds, emphasizing technology directly underlying advanced military capabilities, rather than end-use products or technologies that merely contribute to the industrial base.

I would note, in addition, that the Export Administration Act of 1979 authorizes "national security" controls only in those cases where the military implications are clear. The broader controls which the Administration is apparently considering would fall in the category of "foreign policy" controls, a point which our allies would no doubt be aware of.

In my view, circumvention of U.S. and multilateral export controls has contributed more to Soviet military capabilities than the technology approved for sale. I trust that the current review of multilateral export controls and the forthcoming discussions with our allies will result in stepped-up enforcement of controls and investigations of diversions.

I will be watching the progress of our discussions with our allies with great interest, and urge that any U.S. proposal for additions to the control list be limited to technologies having significant military applications.

Sincerely,

JONATHAN B. BINGHAM,
Chairman, Subcommittee on International Economic Policy and Trade.

The subcommittee will seek at its hearings detailed information about U.S. proposals in our Allies for additions and deletions to the list of goods and technologies multilaterally controlled. The subcommittee will also probe the U.S. position on construction of the Yamal pipeline and alternatives to Western European dependence on Soviet natural gas.

The subcommittee has requested from the Department of Defense a status report on the militarily critical technologies list (MCTL), mandated in the 1979 act, including plans for publication and consultation with industry. The subcommittee also wishes to know what proposals resulting from the MCTL the Department of Defense has made to State for the meetings with our allies, and to Commerce for changes in the U.S. commodity control list.

With respect to implementation of the 1979 Export Administration Act, the subcommittee has asked the Commerce Department to respond to a detailed list of questions on: Organization and staffing of the International Trade Administration, rewriting of the Export Administration regulations, status of a computerized license tracking system, capability to assess foreign availability, license application backlog within the U.S. Government and in COCOM, and interagency cooperation on enforcing the act.

The subcommittee also wishes to review the considerations underlying several recent changes in the regulations, including foreign policy controls on exports to Libya of aircraft and aircraft spare parts, and the lifting of the quota system on exports of refined petroleum products.

The subcommittee will be pleased to receive written statements for the record of the hearings. Statements should be submitted by November 15 to Ms. Carol Rovner, staff associate, Subcommittee on International Economic Policy and Trade, 702 House Annex No. 1, Washington, D.C. 20515.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FOUNTAIN (at the request of Mr. WRIGHT), for today, on account of serving as a member of the President's Federalism Subcommittee on Health and Human Services.

Mr. IRELAND (at the request of Mr. WRIGHT), for today, on account of serving as a delegate to the United Nations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EMERSON) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 10 minutes, today.

Mr. McCLODY, for 30 minutes, today.

Mr. COLEMAN, for 10 minutes, on November 2.

(The following Members (at the request of Mr. LEVITAS) to revise and extend their remarks and include extraneous material:)

Mr. LEVITAS, for 10 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BEDELL, for 5 minutes, today.

Mr. WEISS, for 5 minutes, today.

Mr. SHAMANSKY, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Mr. BAILEY of Pennsylvania, for 15 minutes, November 5, 1981.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FASCELL, to revise and extend his remarks and include extraneous matter as part of his remarks on the Senate bill, S. 1193.

(The following Members (at the request of Mr. EMERSON) and to include extraneous matter:)

Mr. NELLIGAN in two instances.

Mr. MICHEL in two instances.

Mr. HUNTER.

Mr. DAUB.

Mr. MCCOLLUM.

Mr. CONABLE.

Mr. CONTE.

Mr. LENT.

Mr. GILMAN.

Mr. LEACH of Iowa in two instances.

Mr. RUDD.

Mr. LOWERY of California.

Mr. JEFFORDS.

Mr. EVANS of Iowa.

Mr. KEMP.

Mr. SAWYER.

Mr. WOLF.

(The following Members (at the request of Mr. LEVITAS) and to include extraneous matter:)

Mr. BARNES.

Mr. LEVITAS.

Mr. MOFFETT in two instances.

Mr. LEHMAN.

Mr. SIMON in two instances.

Mr. LUKE.

Mr. MAZZOLI in two instances.

Mr. CORRADA in two instances.

Mr. WALGREN.

Mr. BIAGGI in 10 instances.

Mr. BONKER in two instances.

Mr. DWYER.

Mr. WILLIAMS of Montana.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 167. An act for the relief of Juan Esteban Ramirez; to the Committee on the Judiciary.

S. 174. An act for the relief of Friedrich Walter Prey; to the Committee on the Judiciary.

S. 175. An act for the relief of Puangpaka Vertrees and Puangtip Vertrees; to the Committee on the Judiciary.

S. 191. An act for the relief of Tessie and Enrique Marfori; to the Committee on the Judiciary.

S. 215. An act for the relief of Lourie Ann Eder; to the Committee on the Judiciary.

S. 220. An act for the relief of Yung Ja Byun, and her children Hye Ja Byun, Hye Sun Byun, Hye Ryung Byun, and Yung Eun Byun; to the Committee on the Judiciary.

S. 235. An act for the relief of Hyong Cha Kim Kay; to the Committee on the Judiciary.

S. 236. An act for the relief of Peter Chi Hung Kwok, doctor of medicine, and Ping Chi Chau Kwok, husband and wife; to the Committee on the Judiciary.

S. 244. An act for the relief of Dr. Joselito Sison Almario, and his wife, Leticia Almario; to the Committee on the Judiciary.

S. 278. An act for the relief of Hun Sik Sanderson; to the Committee on the Judiciary.

S. 280. An act for the relief of Yaeko Howell; to the Committee on the Judiciary.

S. 340. An act for the relief of Dr. Herman Sardjono and his wife, Erlanda Sardjono; to the Committee on the Judiciary.

S. 367. An act for the relief of Kuan Sheng Fong, also known as Pete K. S. Fong; and Shyr Yuh-Yu Fong, also known as Nancy Fong, his wife; and Sylvia Shueh-Wei Fong, his daughter; to the Committee on the Judiciary.

S. 555. An act for the relief of Michael Whitlock; to the Committee on the Judiciary.

S. 593. An act for the relief of Rosita N. Pacto; to the Committee on the Judiciary.

S. 1093. An act for the relief of Sandra Reyes Pellecer; to the Committee on the Judiciary.

S. 1144. An act for the relief of Maxine Ann Fricioni; to the Committee on the Judiciary.

ADJOURNMENT

Mr. LEVITAS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 10 minutes p.m.) under its previous order, the House adjourned until Monday, November 2, 1981, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2436. A letter from the Acting General Counsel, U.S. General Accounting Office, transmitting a report on the status of budget authority proposed by the President for rescission, but for which Congress failed to pass a rescission bill; to the Committee on Appropriations.

2437. A letter from the Chairperson, National Advisory Council on Vocational Education, transmitting a statement or reau-

thorization of the Vocational Education Act; to the Committee on Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BENNETT: Committee on Armed Services. H.R. 3464. A bill to amend title 10, United States Code, to provide that naval vessels of the United States may not be built in foreign shipyards; with amendment (Rept. No. 97-305). Referred to the Committee of the Whole House on the State of the Union.

Mr. NICHOLS: Committee on Armed Services. H.R. 4792. A bill to amend title 10, United States Code, to improve the military justice system (Rept. No. 97-306). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAZZOLI: Committee on the Judiciary. H.R. 3517. A bill to authorize the granting of permanent residence status to certain nonimmigrant aliens residing in the Virgin Islands of the United States, and for other purposes; with amendment (Rept. No. 97-307). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced on a severally referred as follows:

By Mr. SEIBERLING (for himself, Mr. MOFFETT, Mr. CONTE, Mr. ROYBAL, and Mr. BEREUTER):

H.R. 4861. A bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes; jointly, to the Committees on Education and Labor and Interior and Insular Affairs.

By Mr. MATSUI (for himself, Mr. FAZIO, Mr. CHAPPE, Mr. DERWINSKI, Mr. DE LA GARZA, Mr. MITCHELL of Maryland, Mr. MURPHY, Mr. BONKER, Mr. GINN, Mr. GINGRICH, Mr. LANTOS, Mr. GIBBONS, Mr. HATCHER, Mr. WILSON, Mr. HARTNETT, Mr. NAPIER, and Mr. LEHMAN):

H.R. 4862. A bill to establish nationally uniform user fees for purposes of financing port development, to give the consent of Congress to the levying of duties of tonnage by State port authorities for purposes of financing certain deep-draft navigation projects, to provide for an expedited procedure for the approval of navigation projects and related landside facilities in such ports, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. BIAGGI (for himself, Mr. BREAU, Mr. FORSYTHE, Mr. BOWEN, Mr. SHUMWAY, Mr. HUTTO, Mr. FIELDS, Mr. TAUZIN, and Mr. HUBBARD):

H.R. 4863. A bill to modify the maritime laws applicable to the recovery of damages by certain foreign seamen; to the Committee on Merchant Marine and Fisheries.

By Mr. CORRADA:

H.R. 4864. A bill to amend the Immigration and Nationality Act with respect to pre-

venting an adverse impact of refugee and immigration policies on distressed areas, and for other purposes; to the Committee on the Judiciary.

By Mr. COURTER:

H.R. 4865. A bill to direct the Secretary of the Interior to offer lifetime leases to certain individuals leasing dwellings in the Delaware Water Gap National Recreation Area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DREIER:

H.R. 4866. A bill to impose an embargo on trade between Libya and the United States; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. LONG of Maryland:

H.R. 4867. A bill to amend the Fair Labor Standards Act of 1938 to provide that blind persons may not be employed at less than the applicable minimum wage under that act; to the Committee on Education and Labor.

By Mr. McCCLORY (for himself, Mrs. MARTIN of Illinois, Mr. PORTER, Mr. BAPALIS, and Mr. PETRI):

H.R. 4868. A bill to clarify the application of the Clayton Act and the Federal Trade Commission Act with respect to certain joint ventures which promote the international competitiveness of U.S. businesses; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. MCCOLLUM (for himself, Mr. FASCELL, Mr. HILER, and Mr. PAUL):

H.R. 4869. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income dividends and interest received by individuals who have attained age 62; to the Committee on Ways and Means.

By Mr. NELLIGAN:

H.R. 4870. A bill to amend the Internal Revenue Code of 1954 to allow the residential energy credit for certain wood or anthracite burning stoves; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 4871. A bill to provide that the deemed waiver of exemption from social security taxes shall not apply in certain cases; to the Committee on Ways and Means.

H.R. 4872. A bill to amend the Internal Revenue Code of 1954 to allow handicapped individuals a credit for certain transportation expenses; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. CLAY, Mrs. CHISHOLM, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. CROCKETT, Mr. DIXON, Mr. DELLUMS, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. FRANK, Mr. GRAY, Mr. HAWKINS, Mr. LELAND, Mr. MITCHELL of Maryland, Mr. RICHMOND, Mr. STOKES, Mr. WASHINGTON, and Mr. WEISS):

H.R. 4873. A bill to authorize the President of the United States to present on behalf of Congress a specially struck medal to the widow of Roy Wilkins; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SAWYER:

H.R. 4874. A bill to amend section 924(c) (relating to mandatory penalties for certain felonies committed with firearms) of title 18 of the United States Code to change the sentencing structure for offenses under such section, to eliminate parole for such offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. WATKINS:

H.R. 4875. A bill to amend the Interstate Commerce Act to require retroreflectors on railroad cars; to the Committee on Energy and Commerce.

By Mr. WEAVER (for himself and Mr. BROWN of California):

H.R. 4876. A bill to promote forestry employment, to eliminate unneeded expenditures in vegetation management on federally managed forest lands, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. JENKINS (for himself, Mr. CONABLE, Mr. BADHAM, Mr. BAPALIS,

Mr. BAILEY of Missouri, Mr. BEARD, Mr. BENEDICT, Mr. BENNETT, Mr. BEREUTER, Mr. BOWEN, Mr. BROWN of Ohio, Mr. CARMAN, Mr. CLAUSEN, Mr. COELHO, Mr. CORCORAN, Mr. CRAIG, Mr. ERDAHL, Mr. ERLERNBORN, Mr. EVANS of Georgia, Ms. FIEDLER, Mr. FINDLEY, Mr. FLIPPO, Mr. FORSYTHE, Mr. GINGRICH, Mr. GINN, Mr. GRADISON, Mr. GREGG, Mr. GRISHAM, Mr. SAM B. HALL, Jr., Mr. HANSEN of Idaho, Mr. HARTNETT, Mr. HEFNER, Mr. HILER, Mr. HOLLAND, Mrs. HOLT, Mr. HORTON, Mr. HUBBARD, Mr. HUTTO, Mr. JOHNSTON, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LATTI, Mr. LEBOUTILLIER, Mr. LEE, Mr. LENT, Mr. LEWIS, Mr. LEVITAS, Mr. LIVINGSTON, Mr. LUJAN, Mr. MARLENEE, Mr. MARRIOTT, Mr. MARTIN of North Carolina, Mrs. MARTIN of Illinois, Mr. McDONALD, Mr. McEWEN, Mr. MITCHELL of New York, Mr. MOORE, Mr. NAPIER, Mr. PARRIS, Mr. PETRI, Mr. PICKLE, Mr. PORTER, Mr. ROBERTS of South Dakota, Mr. ROBINSON, Mr. ROTH, Mr. ROUSSELOT, Mr. RUDD, Mr. SAWYER, Mr. SCHULZE, Mr. SENSENBRENNER, Mr. SHUMWAY, Mr. SILJANDER, Mr. SMITH of Oregon, Mr. SOLOMON, Mr. STUMP, Mr. TAYLOR, Mr. TRIBLE, Mr. VANDER JAGT, Mr. WATKINS, Mr. WHITEHURST, Mr. WHITTAKER, Mr. WILSON, Mr. WINN, Mr. WOLF, and Mr. CARNEY):

H.J. Res. 350. Joint resolution proposing an amendment to the Constitution altering Federal budget procedures; to the Committee on the Judiciary.

By Mr. JACOBS:

H.J. Res. 351. Joint resolution to designate 1982 as the "Year of the Eagle"; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1918: Mr. DWYER, Mr. GEJDENSON, and Mr. NICHOLS.

H.R. 2322: Mr. SAM B. HALL, Jr., Mr. SMITH of Oregon, and Mr. DORGAN of North Dakota.

H.R. 2332: Mr. DECKARD and Mr. COATS.

H.R. 2488: Mr. FRANK, Mr. SIMON, and Mr. COLEMAN.

H.R. 3185: Mr. CORCORAN and Mr. FIELDS.

H.R. 3763: Mr. PRITCHARD.

H.R. 4147: Mr. MAVROULES, Mr. HORTON, and Mr. YOUNG of Missouri.

H.R. 4227: Mr. COLEMAN and Mrs. SCHNEIDER.

H.R. 4362: Mr. ROBERT W. DANIEL, JR., Mr. WINN, Mr. RINALDO, Mr. DAVIS, Mr. SIMON, Mr. LUJAN, Mr. ROBINSON, Mr. DAN DANIEL, Mr. LAGOMARSINO, Mr. BEVILL, Mr. HAGEDORN, Mr. WON PAT, Mr. LUNGREN, Mr. FRENZEL, Mr. DYSON, Mr. McEWEN, Mr. WEBER of Ohio, Mr. DREIER, and Mr. McKINNEY.

H.R. 4467: Mr. ANDERSON and Mr. BINGHAM.

H.R. 4486: Mr. PARRIS, Mr. MOTT, Mr. MCDADE, Mr. DOUGHERTY, Mr. LEACH of Iowa, Mr. MINETA, and Mr. HARTNETT.

H.R. 4593: Mr. WAXMAN, Mr. FORSYTHE, Mr. LUNGREN, Mr. FAZIO, Mr. ROE, Mr. EARLY, Mr. SMITH of Pennsylvania, Mr. KASTENMEIER, Mr. AKAKA, Mr. HUGHES, Mr. SCHEUER, and Mr. MURPHY.

H.R. 4775: Mr. AU COIN, Mr. OTTINGER, Mr. CORRADA, Mr. D'AMOURS, Mr. CONTE, Mr. ADAMO, Mr. PEPPER, Mr. LAFALCE, Mr. BENJAMIN, and Mr. BEVILL.

H.R. 4797: Mr. FROST.

H.R. 4815: Mr. RAHALL, Mr. GAYDOS, and Mr. MURTHA.

H.R. 4833: Mr. HANSEN of Idaho and Mr. ROBERTS of South Dakota.

H.J. Res. 72: Mr. HOLLAND, Mr. LOEFFLER, Mr. HAWKINS, Mr. PICKLE, Mr. HOYER, Mr. LUKEN, Mr. CHAPPELL, and Mr. YOUNG of Missouri.

H.J. Res. 349: Mr. FOUNTAIN and Mr. ROTH.

H. Res. 126: Mr. MATSUI.

H. Res. 250: Mr. MOLLOHAN, Mr. WALGREN, Mr. ROE, Mr. GINN, Mr. MURPHY, Mr. FRANK, Mr. OBERSTAR, Ms. OAKAR, Mr. MITCHELL of Maryland, Mr. HOYER, Mr. BEVILL, Mr. SHAMANSKY, Mr. RAHALL, Mr. EDGAR, Mr. WOLPE, Mr. COELHO, Mr. BAILEY of Pennsylvania, Mr. YATRON, Mr. TRAXLER, Mr. FAZIO, and Mr. KOGOVSEK.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3364: Mr. DORNAN of California.

PETITIONS, ETC.

Under clause 1 of rule XXII,

249. The SPEAKER presented a petition of the Town Board, Stony Point, N.Y., relative to revenue sharing; which was referred to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3275

By Mr. SENSENBRENNER:

—Page 2, line 2, strike out "\$14,000,000" and insert in lieu thereof "\$10,840,000".